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COMMONWEALTH OF PENNSYLVANIA

Duplicate

REPORT

OF THE

PENNSYLVANIA
STATE RAILROAD COMMISSION

FOR THE

YEAR ENDING DECEMBER 31st, 1908

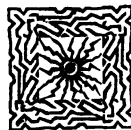
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Harrisburg, Penn'a, January 11th, 1909.

TO HONORABLE EDWIN S. STUART,
Governor of the Commonwealth of Pennsylvania.

In compliance with the requirements of the Act of the General Assembly, approved May 31, 1907, creating the Pennsylvania State Railroad Commission, that Commission respectfully submits herewith a report of its work from the date of its organization, February 5, 1908, to December 31, 1908.

Organization of the Department: Immediately after its organization the Commission appointed as Secretary, Mr. Harry S. Calvert, of Pittsburg; as Attorney, Mr. William Harrison Allen, of Warren; and as Marshal, Mr. John P. Dohoney, of Harrisburg, which appointments were duly approved by you. Much of the time which has elapsed since the Commissioners assumed the duties of their office has necessarily been consumed in organizing this new department of the State government, in the preparation and adoption of forms for gathering the information which might be required and of rules of practice for the orderly presentation and proper hearing and disposition of complaints, as well as the assembling of an efficient office force, and the adoption of a comprehensive and workable system for the conduct of the office business. In the meantime complaints and inquiries were being constantly received and attended to, but it is believed that the Commission alone experienced the inconvenience due to the circumscribed facilities and disadvantageous conditions of this formative period.

Without any predecessor in this State, without any sufficient data respecting the common carriers subject to its jurisdiction and without any equipment for its labors or any means to determine what would be the scope and amount of the work demanded of it, the wise course to pursue, and the one followed was to develop the organization only as the work developed and not to install any greater office force or larger equipment than from time to time was shown to be useful and necessary.

Careful consideration has been given to the preparation of a complete register, compiled from original records, of the various common carriers described in the Act creating the Commission, the ascertainment of the location of the principal office of such carriers and the names of those officials with whom the business of the

Commission might be conducted. This work, which is now practically completed, has been very exacting and has required much painstaking investigation. The life history of five thousand and twenty-six (5,026) corporations chartered from time to time by the Commonwealth has been thoroughly traced, with the result that one thousand four hundred and forty of them have been found to be still in existence and exercising powers which bring them within the scope of the Commission's authority.

Complaints and Inquiries: The Commission has received during its brief career a large number, and great variety of complaints against carriers. These complaints have been lodged against railroad, street railway, telephone, telegraph and express companies, and have ranged from those respecting the sanitary condition of cars, claims for overcharge in freight and for property lost in transit to demands for increased passenger service, additional train stops, station facilities, and charges of discrimination in rates and shipping facilities. It is only necessary to say that, while many of the cases brought before the Commission for settlement have been seemingly unimportant as to the amount of money involved, yet the principles by which they are to be tested are of far reaching importance, and the causes considered touch most of the commercial and industrial interests of the State. (See complaints and proceedings thereon in Appendix "A.")

Many of the cases presented have been disposed of satisfactorily by correspondence, and it has been possible to secure the adjustment of a number of them by the parties concerned with the advice and co-operation of the Commission. But, whenever either party has thought desirable or the Commission has regarded it advisable, a hearing of the parties in person or by counsel has been held.

In general, the cases have been concluded by a simple recommendation of the Commission but, where necessary in order to give a fair understanding of the case, that recommendation has been accompanied by a brief statement of the facts and findings, and in exceptional cases, by a formal opinion.

The recommendations made have met with quite prompt acquiescence and, in numerous cases, hearty commendation has been expressed to the Commission for its labors and conclusions. These marks of appreciation and the disposition to comply with our requests for information and the conforming to our rules of procedure have greatly encouraged and assisted us in our work.

The business conditions existing throughout the country during the past year have undoubtedly kept down the number of demands for the intervention of the Commission. All those classes of difficulties to which shippers and carriers are subjected in times of great business activity have been practically eliminated from the situa-

tion, and the work of the Commission has been thereby benefited in that it was possible to devote much of its attention to organization.

This state of business has been particularly evidenced by the entire absence of any complaints regarding car distribution. In preparing to meet this class of complaints the Commission has designated one of its members to serve on a Committee, consisting of a member of the Inter-state Commerce Commission and one representative of each State Railway or Public Service Commission, for the purpose of framing, if possible, a harmonious system of car-service rules to be applied to both state and interstate business. It is felt by the Commission that, while recent court decisions and rulings of the Interstate Commerce Commission have brought about considerable improvement in systems of car service throughout the country, a uniform system of reasonable regulations, simple enough to be easily understood by all shippers, is much to be desired.

A number of inquiries have been received by the Commission respecting the law on a variety of matters affecting common carriers and their patrons, and the method of procedure in order to obtain redress for alleged invasion of private rights, as well as for acts detrimental to the public welfare. These inquiries have been uniformly disposed of by giving the inquirer the information sought either in person or by means of correspondence.

Accounts and Reports: The Commission has been in frequent correspondence with the Interstate Commerce Commission with regard to forms of accounts and reports for all those carriers which are subject to the jurisdiction of both that Commission and this one, and is co-operating with that body in an endeavor to secure the adoption of forms which can be readily adapted to the needs of both Commissions.

It is our belief that the adoption of a system of accounting for the common carriers of this State which shall be uniform with that required by the Federal authorities and with that which is required by the Railroad Commissions of other States from their common carriers will carry with it great benefit to the public, whose money is invested in the securities of these corporations. It is confidently expected that the scheme of accounts and reports now in process of preparation, and shortly to be adopted by the Interstate Commerce Commission, can be used by this Commission without substantial change and with only such modifications as may be found necessary to confine the reports to the actual mileage and operations of common carriers in this State.

Street Railways: The street railway situation in the two largest cities of the Commonwealth has demanded and received considerable attention and the efforts of the Commission are now being directed

toward an examination and, if possible, an improvement of present conditions.

Pursuant to a resolution of the common council of the city of Pittsburgh and the request of the Mayor, a preliminary survey of the operating conditions on the street railways of that city has been made by a member of the Commission and, as a consequence thereof, a thorough examination of the situation there is now being prosecuted by experts employed by us. The street railway authorities have expressed and have thus far evidenced a willingness to aid the Commission in this investigation to the extent of their ability and to offer every facility at their command to expedite the work, and it is hoped that substantial benefit to the public service in Pittsburgh may be the result.

The over-crowding of cars during rush hours and the consequent discomfort, inconvenience and delay of patrons is the burden of the Pittsburgh complaint; and the physical limitations of the present layout are offered in defense by the Company.

In Philadelphia the same matters are complained of, and in addition thereto the re-arrangement of car schedules since the installation of service in the subway. Complaints have also been made against the recent alteration in transfer and exchange privileges in that city.

Complaints have also been received relative to the sanitary condition of street railway cars, especially those used in inter-urban service, and the number and variety of these complaints have induced the Commission to propose joint consideration and action by it with the State Department of Health, and this will shortly be undertaken. The rapid development of this class of common carriers in this State and the increased powers and privileges granted to them by recent legislation have introduced into the transportation facilities of the State new problems and in view thereof the operation and control of these suburban and inter-urban lines in a manner to best serve the territory in which they are located will doubtless be attended with some difficulty.

Such orders and recommendations as the Commission has already made affecting the operation of the Street Railways have been promptly complied with, and have seemed to meet the approval of the public.

Industrial Railroads: In the research prosecuted for the purpose of obtaining a list of all the common carriers subject to our jurisdiction, it has developed that there exist in the State—principally in and about industrial manufacturing and mining centers—many railroads, organized under our general railroad laws for the incorporation of railroads for public transportation of freight and

passengers, which, in reality, are nothing more than private switching lines, and which do and can do no general transportation business. Although in name common carriers and, as such, under obligation to do a general railroad business, they are, in the exercise of their franchises, nothing of the kind. Their organization under the general railroad laws was probably induced by the fact that connection of private lines with common carrier lines is prohibited by Section 7 of the Act of April 15th, 1851, and by the undesirable provisions of and restricted rights granted under the law relating to lateral railroads of May 5th, 1832. In some few instances the desire to exercise the right of eminent domain may also have dictated the course pursued in the incorporation; but in the majority of cases, these roads are constructed entirely upon ground belonging to the plants which they serve.

Excepting for the purpose of acquiring the right of connection with common carriers and the desire to exercise the right of eminent domain, no necessity whatever seems to exist for their incorporation; and it is an anomaly to incorporate roads for private use, having all the rights of common carriers, without the responsibility which public service demands.

It is thought by the Commission that the removal of the restriction upon the right of private roads to connect with other railroads and the denial to all such roads of the right of eminent domain would either prevent their incorporation entirely or limit their rights to their proper purposes. As the matter now stands, these roads would be obliged and could be required to conduct a general railroad business, in case any demand for such service from them should arise, and their present and intended private use would thus be greatly interfered with, or practically destroyed.

Furthermore, in order to incorporate under the general railroad laws, with all the privileges those laws confer, all applications for charters should be required to contain a sworn statement that the road is, in good faith, intended to be constructed and operated for the public service and for the general transportation of passengers and freight.

Accidents: It was not until about the first of May, 1908, that the work of preparing forms and instructions for accident reports to be issued to and used by the various common carriers of the State was completed, but the Commission collected reports from all common carriers from January 1st, 1908, to that date, in addition to securing the current reports.

These reports are received daily, and when the injuries have proved fatal the information is telegraphed to the Commission in order to permit, if desired, a prompt investigation.

A summary of the accident reports received to December 31st, 1908, together with some interesting deductions therefrom, appears in Appendix "B."

It shows that 14,383 persons were injured on the lines or property of common carriers within the State of Pennsylvania during the year, and of this total 1,273 were fatally injured.

It was found that all accidents occurring within the State on the property of parlor and sleeping car companies were reported by the railroads over which such cars traveled. For this reason no attempt was made to secure reports direct from companies engaged in these operations.

Since the beginning of the taking of these reports a number of changes and improvements in the methods adopted by the Commission have suggested themselves and these will be put in force during the year beginning January 1st, 1909. With the purpose of collecting these reports with a minimum of expense and inconvenience to the reporting companies, and with the further purpose of securing uniformity all blanks for reports are furnished by the State.

One of the regulations adopted by the Commission in this connection was to exclude reports of accidents occurring in repair shops, construction shops, round-houses, car-barns and at other points not accessible to the public and not used in direct connection with the movement of passengers or freight.

All steam railroad accidents are tabulated under sixteen different classifications and the character of the persons injured is set forth separately under each. In tabulating accidents occurring on the lines of electric railways a slightly different classification is used. The results of these tabulations showing the number of persons killed and injured under each of the sixteen separate classes of accidents on each of the various steam and electric roads of the State will be found in Appendices "C" and "D."

In Appendix "E" will be found a list of the railroad and street railway companies in the State which have reported no accidents during the past year.

In taking reports of accidents the Commission has made a uniform practice of requiring the exact date and location of the accidents to be furnished, and such a description of the cause, attendant circumstances and nature of the accident as will enable the Commission to determine whether a more searching investigation is necessary.

During the year the Commission has made a special investigation of fourteen accidents; in eight of these cases a representative of the Commission has been sent to the scene of the accident for the purpose of making a thorough investigation of the circumstances and

conditions attending it and an examination of all the persons concerned.

A detailed report of these investigations by the Commission and the results thereof appears in Appendix "F."

A singular fact to be noted of the reports of accidents is that there were four accidents on the lines of street railways in each of which the total number of persons killed and injured was greater than in any accident that occurred on the lines of steam railroads, the four referred to being as follows:

Chestnut Hill accident on the line of Philadelphia Rapid Transit Company, two passengers killed and and hundred and twenty-seven passengers injured.

Ferndale Borough, on the line of the Johnstown Passenger Railway Company, one passenger killed and forty-eight passengers injured.

Lesters Switch, near Essington, Penn'a, on the line of the Philadelphia and Chester Railway, four employes and sixty-four passengers injured.

Grade crossing at Dorranceton, Penn'a, where the Wilkes-Baare and Wyoming Valley Railway crosses a side track of the Delaware, Lackawanna and Western Railroad, forty-one passengers injured.

In the Chestnut Hill and Ferndale accidents our investigations as reported elsewhere, clearly indicated that the over-crowding of the front platforms, and the consequent interference with the motor-men in the careful operation of the cars was largely responsible for the failure to control the cars, and after careful consideration, the Commission issued, under date of October 30th, 1908, a recommendation to the effect that:

"On and after November 15, 1908, no passengers should be permitted to ride on the front platforms of closed cars and on open cars the carriage of passengers on the front platforms shall be strictly limited to the number that can be conveniently accommodated upon and do occupy the seat provided on said platform."

This recommendation has been adopted by all the operating street railway companies of the State.

The largest number of persons killed in a single wreck on steam railroads was two. The accident involving the largest number of killed and injured was a collision on the line of the Baltimore and Ohio Railroad Company near Felton Station, Pennsylvania, when two employes were killed and twenty-three passengers injured.

Recommendations: (1) Because of the large number of trespassers reported among the killed and injured it would seem to be in the interest of public policy that a law should be enacted pro-

viding substantial punishment for all persons who trespass upon the private right-of-way of any steam or electric railway in this State. Wherever a study has been made as to this class of accidents occurring upon railroads, a similar conclusion has been reached, and the Commission begs to submit herewith in Appendix "G" a draft of an Act, which it is expected will reduce to a minimum the unnecessary loss of life due to such trespassing.

(2) The importance of providing some method of controlling the increasing of the capital stock or indebtedness of those corporations which are under the supervision of this Commission, with a view to protecting the public against the evils of over-capitalization especially the exaction of the excessive rates necessary to give value to the securities so issued has been recognized by the framers of the Act creating this Commission in that portion of Section 17, which purports to place in the hands of the Commission the power to control "any proposed increase in the capital stock, bond or other fixed indebtedness of any common carrier subject to the provisions of this Act."

Unfortunately, under the present statutory provisions for procedure by the stockholders of a corporation when such increase is proposed to be made, the authority thus sought to be conferred upon the Commission cannot be exercised in the direction of preventing such increase, "whenever, in the opinion of the Commission, the public interests should so require." The solution of the problem of controlling this matter has been undertaken by many States in various ways, the methods adopted in the different cases depending upon the character of existing State laws and the attitude of the Legislative body at the time. How best to regulate this without appearing to place unnecessary obstacles in the way of new undertakings for the development of our rich resources and at the same time furnish a reasonable measure of protection to the public against such increases of capital of our public service corporations as are improperly conceived, has been carefully considered by this Commission, and in Appendix "H" will be found a suggested amendment to the Act approved February 9th, 1901, which, we think, fairly meets the conditions in this State by providing that those corporations desiring to increase their capital stock or indebtedness shall give notice of such purpose to this Commission in order that objections, if any, to said proposed increase may be heard and a recommendation thereon be made; and further providing that no such increase of capital stock or indebtedness shall be valid without such notice or contrary to the recommendation of the Commission, except when such increase is approved in accordance with the provisions of said Act of February 9th, 1901, and no objections thereto have been

filed with the Commission, or any objections filed therewith have been withdrawn.

(3) The elimination of the numerous, dangerous crossings at grade of streets and highways of the State by railroad tracks has not been imposed upon this Commission; nor is the Commission even authorized to recommend safety appliances or other regulations for the protection of the public at such grade crossings; but this Commission is empowered by Section 14 of the Act creating it "to recommend the manner under existing laws in which one railroad, street railway, electric railway or other common carrier may cross another railroad, street railway or electric railway at grade or above or below grade, and what safely appliances and regulations should be adopted at such crossings, or at existing grade crossings of railroads, street railways, electric railways or other common carriers with other railroads, street railways and electric railways for the protection of the public and the prevention of accidents."

It will be observed that the above provision restricts the power of recommendation to the manner in which one common carrier may cross another common carrier; and without going so far as to suggest immediate legislation for the elimination of grade crossings the Commission submits herewith in Appendix "I" an Act to amend that portion of Section 14 of the Act creating this Commission, and quoted above, so as to give the Commission the power to recommend what safety appliances and regulations should be adopted at grade crossings of public roads and streets, except in cities of the first and second classes, by railroads, street railways, electric railways or other common carriers, where such grade crossings with public highways already exist or may hereafter be constructed, without the recommendation of the Commission or without any order of the Court, as provided by the Act of June 7th, 1901.

General Remarks: An interesting piece of work which is just being completed, was that conducted by this Commission in co-operation with the New Jersey State Railroad Commission, concerning the safety of a bridge of the New York, Susquehanna and Western Railroad Company crossing the Delaware River, the bridge being partly under the jurisdiction of each Commission. In that work each Commission employed an expert bridge engineer, and they together made a joint report to both State Commissions, and later, at the request of the railroad company, submitted their plans and recommendations to a consulting engineer and these three engineers are now conferring as to what is necessary to be done in order to render the bridge safe for the traffic to which it is likely to be subjected, and what regulations shall be observed in the operation of trains over it.

By reason of representations made to the Commission that some of the railroads of the State either have no adequate rules for the inspection of locomotive boilers, or, having such rules, do not properly enforce them, our purpose is to prosecute an inquiry to ascertain the exact condition now existing in this respect, to be followed by such action by us as such inquiry may develop to be necessary and advisable.

An inquiry is being made by the Commission for the benefit of the State Forestry Department, with the object of ascertaining from the railroads to what extent forest fires which have been so destructive during the past year within the Commonwealth can be traced to the operation of their motive power and in the hope that such an investigation may suggest preventive measures. It is thought that if the spark arresting devices, with which all locomotives are supposed to be equipped, were always maintained in good repair and if the precautions provided in the Act of June 12th, 1907, for the operation of steam railroads, "through forest lands on which there are producing oil wells, or gas wells," were made to apply generally, the number of such fires and the attendant loss would be greatly reduced.

"Probably no exercise of the power of the State is more beneficial than the allaying of distrust by providing administrative means for investigation, for necessary publicity and for the impartial and reasonable enforcement of the rights of our citizens." The reconciliation of the apparently conflicting and yet mutually dependent interests of the common carriers of this State and their patrons, the public, is made possible by such methods, but the attempt to legislate for either without regard for the other can only result in ultimate failure. The Commission has endeavored to avoid making a vain or provoking display of the powers which have been conferred upon it, and its policy has been, and still is, to proceed slowly and conservatively, in the belief that thus it will in the end more surely secure reform and improvement where the same are needed, and thus more rationally and safely conserve and protect the rights of the public, and those vested interests which are lawfully held and managed.

While much speculation has been indulged in throughout the State as to the probable efficiency of a Commission having the powers possessed by this one, we do not hesitate to say that our experience has already shown that valuable service can be rendered to the people of the Commonwealth by such a Commission through the power of publicity, and, if in addition to that power public opinion favorable to the attitude of the Commission in matters which they may be called upon to adjudicate can be enlisted, the benefits to be

secured to our people will be surprisingly great. The most useful Public Service Commission, so far as their records have been made, have been those which have recognized proper publicity concerning the actual workings and operations of common carriers in their various relations to the business of the people as essential to their success.

The Commission is glad to report that the public has been quick to recognize that there has now been created a tribunal before which a large number of cases, which heretofore involved the slow moving machinery of the Courts and the expense connected with Court procedure, can be readily heard without expense to the claimant. The ready acceptance by the people of the State of this function of the Commission has already been sufficiently general to demonstrate the wisdom of the creation of such a body, and the actual results already accomplished warrant the prediction of far reaching benefits when the time necessary for thorough organization and adaptation shall have brought about full recognition of the possibilities of this method of regulation, and also brought about the active co-operation of all those persons and corporations who are concerned with the work of the Commission.

It is quite proper that the Commission should acknowledge the generally prompt attention which has been given by all the railroads of the State to the demands made upon them, either for attendance upon hearings or information from their records, or for complying with the requirements of the Commission as to the form of reports to be furnished to it.

We will shortly submit to you a report of the work done by the Commission under the joint resolution of the General Assembly approved June 14th, 1907, directing an investigation of the facts concerning the abandonment of railroads and canals, which you referred to this Commission.

What has already been set forth in this report and the information given in the accompanying appendices together furnish an abstract of the proceedings of this Commission during the past year.

For the purpose of gathering at first hand information as to the methods of dealing with complaints, handling and filing correspondence and reports and general practice, the Commission has personally visited the Massachusetts State Railroad Commission, at Boston, Mass.; the Public Service Commission of the State of New York (Second District), at Albany, New York; and the Interstate Commerce Commission, at Washington, D. C. The result of these visits has been the acquisition of information which has materially assisted us in our own practice and in the equipment and conduct of our office. And the Commission desires here to acknowledge the

many courtesies extended to its members by the Commissions above named.

A statement in detail of the traveling expenses and disbursements of the Commissioners, their clerks, Marshal and experts is submitted in Appendix "J."

The Rules of Practice adopted by the Commission for procedure before it will be found in Appendix "K."

The Commission desires to acknowledge its appreciation of the careful and cheerful manner in which its working force has invariably performed the work required of them.

Respectfully submitted,

NATH'L EWING,

Chairman.

CHAS. N. MANN,

JOHN Y. BOYD.

APPENDIX "A."

**Complaints filed with the Commission and Proceedings
thereon.**

TABLE OF CASES.

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| 1. G. A. Rupert
vs.
Lehigh Valley Railroad Co. | Baggage and transfer business. |
| 2. Empire Lime Kilns
vs.
Central Railroad Co. of Penna. | Discrimination in charges for furnishing cars. |
| 3. G. T. Matthews
vs.
Pittsburgh, Westmoreland & Somerset Railroad Co. | Rate of fare and change of name of station. |
| 4. J. Fred Johnson et al,
vs.
West Penn Railways Company. | Stopping places of cars.
(Street Railways). |
| 5. Manufacturers Association of York,
vs.
Northern Central Railway Co.,
Western Maryland Railroad Co. | Switching cars between railroads having physical connection. |
| 6. P. S. Anderson,
vs.
Railroad companies. | Limit on round trip tickets. |
| 7. W. O. Sampson
vs.
Buffalo & Susquehanna Railway Co. | Inefficient passenger service and equipment. |
| 8. M. K. Frank
vs.
Buffalo, Rochester & Pittsburgh Railway Co.
Pennsylvania Railroad Company. | Freight rates. |
| 9. Pittsburgh Produce Trade Assn.
vs.
Pennsylvania Railroad Company. | Storage of cars. |
| 10. J. Belmont Mosser
vs.
Big Level & Kinzua Railroad Co. | Enforcement of Two Cent Fare Act. |
| 11. John L. Freck
vs.
Vandalia Lines,
Pennsylvania Railroad Company. | Freight charges on buggy with automobile attachment. |

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| <p>12. Bussleton Improvement Assn.
vs.
Pennsylvania Railroad Company,
Philadelphia & Reading Railway
Company.</p> | <p>Unsatisfactory transportation facilities.</p> |
| <p>13. P. H. Schaum
vs.
Phillipsburg Railroad Company.</p> | <p>Enforcement of Two Cent Fare Act.</p> |
| <p>14. A. T. Jackson, Jr.
vs.
Big Level & Kinzua Railroad Co.</p> | <p>Enforcement of Two Cent Fare Act.</p> |
| <p>15. D. A. Floto
vs.
Baltimore & Ohio Railroad Co.</p> | <p>Protecting grade crossings.</p> |
| <p>16. Hiram VanDyke
vs.
Winfield Railroad Company.</p> | <p>Demurrage charges and time allowed for unloading.</p> |
| <p>17. Pennsylvania Clay Company
vs.
Ohio River Junction Railroad Co.</p> | <p>Inadequate service and equipment.</p> |
| <p>17-A. Aument & Company et al.
vs.
Pennsylvania Railroad Company.</p> | <p>Freight charges between Quarryville and Lancaster.</p> |
| <p>18. D. J. Holby
vs.
Pennsylvania Railroad Company.</p> | <p>Closing highway and change in right of way.</p> |
| <p>19. Richard L. Smith
vs.
West Side Belt Railroad Co.</p> | <p>Discontinuation of passenger service.</p> |
| <p>20. A. L. Feltwell
vs.
Altoona & Logan Valley Railway Company.</p> | <p>Rate of passenger fare and service.</p> |
| <p>21. B. C. Mitchell & Sons
vs.
Pennsylvania Railroad Company,
Philadelphia & Reading Railway
Company.
Western Union Telegraph Co.,
United States Express Co.</p> | <p>Express, telegraph and freight rates.</p> |
| <p>22. East Broad Top Railroad & Coal Company, Petition of.</p> | <p>Relief from Federal "Safety Appliances Act."</p> |
| <p>23. J. B. Keller
vs.
Pennsylvania Railroad Company.</p> | <p>Forwarding cattle from Harrisburg to Mount Joy.</p> |

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| 24. American Hide & Leather Co.
vs.
Erie Railroad Company. | Refund due to misrouting shipment by company. |
| 25. Halpen, Green & Company
vs.
Pennsylvania Railroad Company,
Philadelphia & Reading Railway
Company. | Discrimination in freight rates to points in New Jersey. |
| 26. Hon. George W. Williams
vs.
Erie Railroad Company. | Station facilities at Lawrenceville, Pa. |
| 27. Jacobs Creek Coal Company
vs.
Monongahela Railroad Company. | Excessive rates on coal. |
| 28. J. M. Wallace
vs.
Adams Express Company. | Classification of rates by commodity. |
| 29. Wellsboro Citizens
vs.
New York Central & Hudson
River Railroad Company. | Inefficient passenger train service. |
| 30. Citizens of Chester
vs.
Chester Traction Company. | Violation of charter and franchise rights. |
| 31. F. Bartle & Son
vs.
Pennsylvania Railroad Company. | Refusal to restore siding. |
| 32. O. B. Blanchard
vs.
Buffalo & Susquehanna Railway
Co. | Freight shipments consigned to Nelson, Pa. |
| 33. C. W. Krissinger
vs.
Baltimore & Ohio Railroad Co. | Insufficient passenger and express service, Berlin Branch. |
| 34. J. E. Forrester
vs.
Pennsylvania Railroad Company. | Excessive freight rates on flag-stone. |
| 35. Walter A. Rumsey et al.
vs.
Pennsylvania Railroad Company. | Restoration of Fortieth Street Station, Philadelphia. |
| 36. O. M. Bennett, Burgess
vs.
Pennsylvania Railroad Company. | Erection of safety gates. |
| 37. Acme Brewing Company
vs.
Pennsylvania Railroad Company. | Inefficient passenger service. |

38. H. B. McNulty et al.
vs.
Cumberland Valley Railroad Co.,
Chambersburg & Gettysburg Elec-
tric Railway Co.
Crossing and use of tracks.
39. Eduard Schenk
vs.
Pittsburgh & Lake Erie Railroad
Co.
Method used in loading its passenger
trains, Pittsburgh Depot.
40. James C. Quinn
vs.
New York Central & Hudson
River Railroad Co..
Inefficient passenger train service.
41. Don C. Hall
vs.
Lake Shore & Michigan Southern
Railway Co.
Overcharge for transportation of pri-
vate car.
42. Eduard Schenk
vs.
Pennsylvania Railroad Company.
Pittsburgh & Lake Erie Railroad
Co.
Freight rates between Washington,
Pa. and Coraopolis, Pa.
43. Eduard Schenk
vs.
Central District & Printing Tele-
graph Co.
Telephone regulations and charges.
44. R. R. Boggs, for Travelers Protec-
tive Association
vs.
Pottsville Street Railway Co.
Handling grips of passengers on street
car lines.
45. A. Nardi's Sons
vs.
Pennsylvania Railroad Company.
Icing charges and excessive weights.
46. William Schnearline
vs.
Baltimore & Ohio Railroad Co.
Condition of cars and accommodation
of passengers.
47. B. W. Cooper
vs.
Adams Express Company.
Rough handling and undue exposure of
live stock.
48. Harry E. Bartow
vs.
Philadelphia Rapid Transit Co.
Insufficient car service.
(Street Railways).
49. Wilkoff Brothers Company
vs.
Pennsylvania Railroad Company.
Charging higher rates than quoted in
tariff.

50. Alvin Jones
vs.
Pennsylvania Railroad Company,
Philadelphia & Reading Railway
Company. Excessive freight rates on railroad
ties.
51. Owen M. Bruner Company
vs.
Philadelphia & Reading Railway
Company. Overcharge on shipment of lumber.
52. Corry Hide & Fur Company
vs.
Pennsylvania Railroad Company,
Erie Railroad Company. Marking commodities shipped in less
than car lots.
53. Wilkes Rolling Mill Company
vs.
Pennsylvania Railroad Company. Freight charges on scrap boilers and
stacks.
54. Corry Hide & Fur Company.
vs.
Pennsylvania Railroad Company. Management of freight office. Demur-
rage charges.
55. J. E. Brennan
vs.
Erie Railroad Company. Safety appliance at grade crossing.
56. Mace & Company
vs.
Adams Express Company. Overcharge on shipments.
57. William S. Fisher
vs.
Northern Central Railway Co. Placing obstruction along the track in
street of the borough of Dauphin.
58. W. W. Sullivan
vs.
Pennsylvania Railroad Company. Freight rates on car load of brick.
59. William B. Irwin
vs.
Philadelphia & Reading Railway
Company. Passenger train service.
60. Citizens of State College
vs.
Western Union Telegraph Co. Establishment of telegraph station.
61. Leon M. Levy
vs.
Erie Railroad Company. Rates on rice coal.
62. George Plumer Leather Co.
vs.
Bessemer & Lake Erie Railroad
Co. Loss on shipment of bark extract.

63. D. H. Wyant
vs.
Buffalo & Susquehanna Railway
Co. Overcharge on shipment of household
goods.
64. Corry Hide & Fur Company
vs.
Pennsylvania Railroad Company. Keeping shipment of hides, L. C. L.,
separate from other shippers.
65. George S. Dana
vs.
Pennsylvania Lines West of Pitts- Refusal to check baggage through
burgh. from points on Pennsylvania Lines
to points on Pennsylvania Railroad.
66. Ditz & Mooney Hardware Com- Excessive rate on sand, from Falls
pany. Creek to Clarion.
vs.
Pittsburgh, Summerville & Clar-
ion Railroad Co.
67. Board of Railroad Commissioners Condition of Bridge No. 9688.
of New Jersey
vs.
New York, Susquehanna & West-
ern Railroad Co.
68. R. R. Boggs, Chairman, Travel- Right of railroad to charge three
ers Protective Assn. cents per mile.
vs.
Huntingdon & Broad Mountain
Top Railroad and Coal Co.
69. A. V. Kaiser & Company Obstruction of grade crossing.
vs.
Baltimore & Ohio Railroad Co.
70. Miller Organ & Piano Company Excessive rate on coal.
vs.
Philadelphia & Reading Railway
Company.
71. Oak Ridge Coal & Coke Company Charges per diem for use of cars.
vs.
Coal & Coke Railway Company
of Elkins, W. Va.
72. Pittsburgh Metal Brazing Com- Excessive charges on housings.
pany
vs.
Pennsylvania Railroad Company.
73. Max Solomon Overcharge on scrap iron.
vs.
Pennsylvania Railroad Company.
74. J. C. Waller et al. Right of railroad company to deduct
vs. relief fund dues from pay of em-
Pennsylvania Railroad Company. ployes.

75. I. H. Dickinson et al.
vs.
Pennsylvania Railroad Company. Establishment of stations on low grade division.
76. F. L. Ferrell
vs.
Baltimore & Ohio Railroad Co. Insufficient train service on Somerset & Cambria Branch.
77. Arthur G. R. Heal
vs.
Delaware, Lackawanna & Western Railroad Co. Refusal to return extra fee charged on mileage book.
78. E. P. Henwood et al.
vs.
Lehigh Valley Railroad Co. Abandonment of station at Skinners Eddy.
79. J. B. Sampson
vs.
Baltimore & Ohio Railroad Co.,
Pittsburgh & Lake Erie Railroad Co. Rates on coal, parallel railroads.
80. G. A. Swan
vs.
Pennsylvania Railroad Company. Use of box car as station.
81. Mauser & Cressman
vs.
Central R. R. Co. of New Jersey. Overcharge of freight on flour.
82. Wilkoff Brothers Company
vs.
Pennsylvania Railroad Company. Charges on scrap iron, Pitcairn to Brackenridge.
83. Albert D. Cooke
vs.
Philadelphia Rapid Transit Co. Sale of tickets and transfers.
84. Kistler, Lesh & Company
vs.
New York Central & Hudson River Railroad Co. Name of station.
85. Emanuel Glosser
vs.
Baltimore & Ohio Railroad Co. Rate on scrap iron Somerset to Monessen, Pa.
86. Mesta Machine Company
vs.
Delaware, Lackawanna & Western Railroad Co. Adjustment of freight charges, Homestead to Kingston, Pa.
87. George W. Guthrie, Mayor
vs.
Street Railways of Pittsburgh. Sanitary condition and overcrowding of cars.
88. Wilkoff Brothers Company
vs.
Baltimore & Ohio Railroad Co. Rates on scrap iron from intermediate points.

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| <p>89. C. Mardorf & Sons
vs.
Pennsylvania Railroad Company.</p> | <p>Refusal to transport rough tallow or suet.</p> |
| <p>90. Philadelphia Company
vs.
Buffalo, Rochester & Pittsburgh Railway Co.</p> | <p>Overcharge on shipment of old gas well casing.</p> |
| <p>91. J. Gibson McIlvain & Company
vs.
Lancaster Storage Company.</p> | <p>Storage on lumber.</p> |
| <p>92. William H. Gladwin
vs.
Philadelphia Rapid Transit Co.</p> | <p>Fare and transfer rights.
(Street Railways.)</p> |
| <p>93. D. R. Harper, III
vs.
Philadelphia Rapid Transit Co.</p> | <p>Difference in charges on various lines.</p> |
| <p>94. Willson Brothers Lumber Co.
vs.
Pittsburgh, Shawmut & Northern Railroad Co.</p> | <p>Rate on lumber, St. Marys to Fayette City.</p> |
| <p>95. Stoneboro & Chautauqua Lake Ice Co.
Lake Shore & Michigan Southern Railway Co.</p> | <p>Charge for switch rental.</p> |
| <p>96. Philadelphia & Conshohocken Stone Quarry Co.
vs.
Philadelphia & Reading Railway Co.,
Baltimore & Ohio Railroad Co.</p> | <p>Comparative rates on stone.</p> |
| <p>97. A. C. Daniels
vs.
Pennsylvania Railroad Company.
Baltimore & Ohio Railroad Co.</p> | <p>Rates on coal and practice in handling same.</p> |
| <p>98. Travelers Protective Assn.
vs.
Philadelphia & Reading Railway Co.</p> | <p>Dining-car service on the "Queen of the Valley."</p> |
| <p>99. R. S. McClure et al.
vs.
Pennsylvania Railroad Company.</p> | <p>Violation of charter and laws of State.</p> |
| <p>100. F. W. Tunnell & Company.
vs.
Pennsylvania Railroad Company.</p> | <p>Rates on fertilizer.</p> |

101. Western Maryland Railroad Co. Rate on scrap iron.
vs.
Pennsylvania Railroad Company,
Philadelphia & Reading Railway
Company.
102. H. S. Bargerstock Refusal to trace box of household
vs. goods.
Railroads.
103. Weekly Dispatch Delay in delivery of papers, Pittsburgh
vs. to Frazer.
Adams Express Company.
104. N. D. Chapin Overcharge on household goods, Som-
vs. erset to Mocanaqua, Pa.
Baltimore & Ohio Railroad Co.
105. Black Moshannon Lumber Com- Rates charged on shipment of lumber.
pany
vs.
Pennsylvania Railroad Company.
106. Henry F. Michell Company Handling freight where there is no
vs. agent.
Pennsylvania Railroad Company.
107. William P. Malin Holding passenger trains at junctions
vs. for connections.
Pennsylvania Railroad Company.
108. James R. Chambers, Jr. Stopping local passenger trains at
vs. Powelton Avenue, Philadelphia.
Pennsylvania Railroad Company.
109. J. W. Beatty Excessive reconsignment charges on
vs. hay in Philadelphia Terminal dis-
Pennsylvania Railroad Company. trict.
110. G. H. Bonner Carrying passengers on front plat-
vs. forms of street cars.
Philadelphia Rapid Transit Co.
111. J. E. Sloyer Claim for refund of passenger fare.
vs.
Pennsylvania Railroad Company.
112. W. D. Blackburn et al. Insufficient service.
vs.
Pennsylvania Railroad Company.
(Bedford & Hollidaysburg Div.)
113. Herbert M. Bushong Unsanitary condition of cars.
vs.
United Traction Co. of Reading.
114. Colborn Brothers Overcharge on shipment of freight.
vs.
Baltimore & Ohio Railroad Co.

115. E. L. Watts
vs.
Lebanon Valley Street Railway
Company. Inadequate service and unsanitary
condition of cars.
116. Hayes Run Fire Brick Company
vs.
New York Central & Hudson
River Railroad Company. Discrimination in freight charges.
117. H. M. Whitaker
vs.
Pittsburgh, Shawmut & Northern
Railroad Co. Excessive passenger fare.
118. Louis Ingram et al.
vs.
Beaver Valley Street Railway Co. Installing waiting room and properly
marking destination of cars.
119. Mrs. Emilie V. Fitzwater
vs.
Lehigh Valley Traction Co. Stringing cable on traction company's
poles in front of residence.
120. William Mason et al.
vs.
Pennsylvania Railroad Company. Inadequate passenger train service be-
tween Harrisburg and Dauphin, Pa.
121. Corry Hide & Fur Company
vs.
Pennsylvania Railroad Company. Right of railroad to charge storage on
merchandise.
122. P. P. Griffin
vs.
Pennsylvania Railroad Company,
Philadelphia & Reading Railway
Company. Refusal to re-ship, and charges for
moving car of lumber.
123. Baker-Mountsier Lumber Co.
vs.
Baltimore & Ohio Railroad Co. Error in quoting freight rate on lum-
ber.

No. 1.

G. A. RUPERT vs. LEHIGH VALLEY RAILROAD COMPANY.

CLAUDE T. RENO, for Complainant.

F. H. JANVIER, for Respondent.

G. A. Rupert, of Allentown, Pennsylvania, complained that the Lehigh Valley Railroad Company, by reason of the making of an exclusive contract between it and the Allentown Transfer Company, had refused to permit complainant to solicit orders for the delivery of baggage on the platforms and in the depot of the company at Allentown, Pennsylvania; that complainant, subsequent to the making of the contract above referred to, had been ejected from the platform of the company and given notice to cease attempting to do business.

This complaint was sent to the company for answer and copy of the agreement between Lehigh Valley Railroad Company and the Allentown Transfer Company was sent the Commission in connection with its answer.

At a conference of counsel representing the complainant and respondent it was decided not to submit testimony, both parties agreeing upon a statement of facts, setting forth their respective sides to the controversy and agreeing also to submit the case upon briefs.

After the hearing attorney for complainant requested an extension of time in which to file brief. Granted. Similar extension also granted to respondent.

The decision of the Commission was, as is shown in the following opinion by Ewing, Chairman:

The facts in this case were agreed upon by the parties and are as follows:

STATEMENT OF FACTS OF COMPLAINANT.

"The complainant is the proprietor of a baggage transfer concern, consisting of two horses, two mules and three wagons, which are used and employed in the business of conveying baggage to and from the several railway depots in the City of Allentown.

"In addition he is employed by the proprietor of the Hotel Allen, located in said City, and by means of the above horses and wagons conveys and transfers the baggage of the guests and patrons of said hotel to and from said depot.

"He has been engaged as porter for said hotel for a period of seven years last past and for fifteen months last past has been engaged in the business of transferring baggage aforesaid.

"That on or about January 9th, 1908, the complainant was ejected from the platform of the respondent company at Allentown, being then and there in the act of soliciting the checks for baggage held by arriving passengers.

"That the solicitation had also been carried on prior to January 9th, 1908, for several months, and after having been several times forbidden by the railroad officials, Mr. Rupert was, as above stated, compelled to leave the platform."

STATEMENT OF FACTS OF RESPONDENT.

"In October, 1907, the Lehigh Valley Railroad Company made an agreement with Leonard G. Sefing, Jr., and John S. Sefing, trading as the Allentown Transfer Company, permitting and licensing them

to transport baggage to and from the railroad station at Allentown, and to solicit orders for such transportation at the station, this right to be exclusive so far as the company has the power to grant such exclusive privilege. After the making of this agreement, the railroad company prohibited all persons, except the above named licensed individuals, from soliciting the transportation of baggage on the railroad company's premises. Prior to making this agreement and prohibiting this general solicitation, inconvenience and annoyance had been caused by numerous persons who solicited on the railroad company's platform, this sometimes being attended with disorder.

"The Allentown Transfer Company has a sufficient number of vehicles and horses to perform the baggage service properly at Allentown, and does so perform it. The railroad company has a system of special delivery checks for the checking of baggage from houses or hotels to destination, and, as a part of this system must necessarily employ a designated agent.

"The railroad company has at no time forbidden anyone to bring baggage to its station which had been delivered to such transfer, and has not forbidden the removal of baggage from its station by persons presenting checks therefor."

The agreement now in operation between the respondent and the Allentown Transfer Company, is as follows:

"THIS AGREEMENT made this first day of October, A. D. one thousand nine hundred and seven (1907), between the LEHIGH VALLEY RAILROAD COMPANY of the first part, and LEONARD G. SEFING, JR., and JOHN S. SEFING, trading as the Allentown Transfer Company, located in the City of Allentown, State of Pennsylvania, of the second part:—

WITNESSETH:

"FIRST. The party of the first part hereby permits and licenses the party of the second part to transport baggage from and to the trains of the party of the first part at its station at Allentown, State of Pennsylvania, and by a suitable agent or agents to solicit orders for such transportation at such station and upon the trains of the party of the first part, and in consideration thereof the party of the second part agrees to pay to the party of the first part the sum of Fifty Dollars (\$50.00) per annum, to be paid upon execution of this agreement, and a like amount to be paid thereafter in advance on the first day of October in each year during the continuance of this agreement. The privileges aforesaid shall be exercised under the general regulations and directions of the party of the first part and shall be exclusively in the party of the second part as far as the party of the first part may lawfully grant such exclusive privileges.

"SECOND. The party of the second part further agree that they will furnish and keep in service at their own cost for the transportation of baggage from and to the trains of the party of the first part at said station at Allentown, State of Pennsylvania, sufficient wagons, sleighs, or other suitable vehicles to afford first class transfer service for said baggage. The vehicles aforesaid shall be kept at all times in good condition and subject to the approval and direction of the party of the first part and prompt and efficient service shall be rendered. The party of the second part shall furnish at their own cost competent drivers and all other necessary employees in and about the service aforesaid, which employees while on duty shall wear a distinctive uniform or badge approved by the party of the first part.

"THIRD. It is further agreed that for the transportation of aforesaid baggage the party of the second part will make the following charges:

"Personal baggage—

"25 c. per piece to any point East of and including Seventeenth Street.

"35 c. per piece to any point West of Seventeenth Street.

"Commercial baggage—

"50 c. per round trip, single piece.

"85 c. per round trip, two pieces.

"\$1.00 per round trip, three pieces, within city limits.

"FOURTH. In further consideration of the privileges herein granted the party of the second part shall and will at its own cost and expense erect and maintain a telephone booth upon the platform

of the Railroad Company's said station at Allentown, Pennsylvania, and shall install therein a telephone instrument and shall station thereat an agent for the purpose of expediting the exercise of the privileges herein granted.

"FIFTH. The party of the second part will be responsible and will make compensation for all injury and damage done by their horses, vehicles or employes to the property of the party of the first part, or to the public, and will at all times indemnify and save harmless the party of the first part from and against any and all suits, claims, demands, loss, damage and expense, which may be brought against it or which it may bear, suffer, sustain or be put unto by reason of any matter or thing arising out of the exercise of the privileges hereby conferred or of anything connected therewith or appertaining thereto, and hereby releases the party of the first part from any and all claims for damages to the property of employes of the party of the second part whether caused by the negligence of the party of the first part, its officers, agents or employes, or otherwise howsoever.

"SIXTH. The party of the second part also agree to transfer in a proper manner to the station of the Allentown Terminal Railway Company for delivery to the Central Railroad Company of New Jersey and the Philadelphia & Reading Railway Company all baggage, train mail and United States mail arriving on trains of the party of the first part at said City of Allentown, destined to points on or via the said Central Railroad Company of New Jersey and the Philadelphia & Reading Railway Company and that for such service rendered the party of the first part shall pay unto the party of the second part the sum of Fifty Dollars (\$50.00) per month.

"SEVENTH. This agreement shall continue in effect for one year from the first day of October and if not then terminated by thirty days' notice given by either party to the other prior to the expiration of the said period of one year shall continue in effect from year to year until terminated by thirty days' notice given by either party to the other prior to the expiration of any year; provided, however, that the party of the first part reserves the right in case of breach of any covenant hereof by the party of the second part to terminate this agreement at any time by giving ten day's notice of intention so to do.

"IN WITNESS WHEREOF the parties hereto have duly executed these presents the day and year first above written.

LEHIGH VALLEY RAILROAD COMPANY.

By: E. B. Thomas, President.

Attest: D. G. Baird, Secretary.

L. G. SEFING, JR., (Seal.)

JOHN S. SEFING, (Seal.)"

(Seal L. V. R. R. Co.)

The question for determination here is, therefore, whether a railroad company can grant an exclusive privilege of soliciting the baggage and baggage checks of incoming passengers upon its depot premises.

This question has been variously decided in different foreign jurisdictions, and by different lower courts in our own State; but it has never been directly determined by either our Supreme or Superior Court. There being, then, no controlling authority upon the subject in this State this Commission is at liberty to consider the question as an original one. In doing this, however, due consideration is given to the opinions of the Courts in all reported relevant cases called to our attention, wherever decided, as well as to the constitutional and statutory provisions of this State.

It will be noted that neither party denies the right of a railroad company to control and regulate the use of its own premises so as best to serve the public and to promote its own legitimate interests. Nor does either party claim that it is the duty of such carrier to provide facilities for baggage transfer agents at its stations. The sole contention is that when such facilities are afforded the privilege of their use must be granted to all desiring such use alike, without favor and without discrimination.

The only grounds upon which this contention can be sustained are, first, that as a common carrier a railroad company is legally bound to serve all alike; and, secondly, that the good of the public service so requires.

As to the first reason, while true in principle, it applies only to those services which such carrier is obligated by its charter and the laws of the land to render, and to nothing beyond. And, as we have seen, neither party to this proceeding alleges that any charter provisions of this respondent company or any law of this State imposes upon said company any duty or obligation whatsoever of the character now in question.

And as to the second reason, while the right of the company to control and regulate the use of its own premises is conceded, and it is assumed—as these parties must have assumed, else neither would have any claim to the privilege in question—that this includes the right under proper rules and regulations, to permit the use of its depot premises by baggage transfer agents, it must yet be remembered that such right cannot properly be predicated entirely upon the company's ownership of the property, because the ownership was authorized and obtained only for the purpose of aiding and facilitating the performance by it of its public service; and, therefore, it appears but reasonable and right that any other use of that property should at least be confined to that which is allied or conducive to that service or ancillary thereto as a convenience and accommodation to the traveling public. It then follows that the prime consideration in determining such use of the property and the regulation of that use should be the good of the public service. By what such regulations, then is the public best served? By a grant of the privilege strictly limited to one person or company arbitrarily chosen by the carrier? Or by reasonable general regulations equally applicable and open to all? Or by such regulations open only to such transfer agency or agencies as the facilities which the depot buildings and grounds of the railroad company at any particular point will afford, and the public demand at such points may require? The proper answer of these questions will determine this controversy.

The railroad company certainly owes no duty to these baggage transfer agencies as such. They can, therefore, make no valid demand of the railroad company for facilities on railroad property for the success and convenient accommodation and transaction of business exclusively their own. And, as we have seen, the railroad company is under no obligation to its passengers and their baggage beyond their own terminal premises. When it discharges its passengers and their baggage at the proper terminals and furnishes them safe and convenient egress therefrom its duty to them is fulfilled. It is true that upon the arrival of the passengers at their respective destinations their baggage must, sooner or later, be transported from the depot premises, but the duty of securing and attending to such transportation is wholly that of the passengers. However, to meet their convenience and accommodation in this respect, passengers seek ready, reasonable and reliable transfer service in and about the railroad station, and in response to this demand these transfer agencies have been inaugurated.

To-day they are general along all railroad lines, and are unquestionably a great public service and accommodation with which railroad travelers would not willingly dispense. So, while the transfer of baggage from railroad stations is no part of the business of the railroad company, it is a matter of great interest to that company as affecting the use of its property, as affording a desirable accommodation to its patrons and as influencing the patronage of its passenger service. And in providing such facilities upon its premises the railroad company is bound to so regulate matters that its patrons shall be secure in their rights and shall not be discriminated against in any manner by those not using its property for the purpose of travel, but only to ply their own vocations.

It may be that at some stations, by reason of limited quarters, unfavorable location or such an amount of strictly railroad business as would not reasonably permit it, no such transfer privileges, or but limited ones, can be allowed, while at other points very possibly more extended privileges of this character could be granted than those localities require. If at any point no such privileges can be granted none will be. If but limited accommodations can be afforded, shall the railroad company grant none because it cannot supply all that is demanded, and thus deprive its patrons of such service entirely? Or should it grant all the applications and permit the transfer representatives to contest daily for position and business? And if greater facilities in this direction can be given than the travel to that locality demands, must the railroad company exhaust those facilities, if that be asked by transfer agencies, or, as the alternative, grant none? To give an affirmative reply to either of the last two interrogatories and to enforce such doctrine would inevitably incite the keenest competition, be provocative of tumult and disorder, prove an interference with the proper transaction of the business of the railroad, and subject the passengers to discomfort, inconvenience and annoyance. The remedy would be worse than the disease.

The existence of the public demand for this baggage transfer service at railroad stations is unquestionable. The service desired is that which can be conveniently obtained and which is ready, reliable and responsible in character, reasonable in terms, and as nearly adequate for all ordinary requirements as the circumstances in each case will permit. But travelers would not endure the discomfort and annoyance, and, in some cases, the disorder attendant upon an unlimited number of eager competitors besetting their path; and the railroads could not suffer the interference with their business which this free-for-all race would entail. Nor would the public willingly acquiesce in any rule destructive of any and all competition, and making the railroad companies sole arbiters of the whole matter.

The public has no special interest in the servant, but in the service. When the service is right the public is satisfied. When the service is wrong the public is injured. One of the chief functions of this Commission, if not indeed, its principal duty, is to labor to secure from all common carriers under its jurisdiction such service as aforesaid. It is not its province to either allay or to provoke competition, much less to champion the cause of business competitors. It is only to obtain for the general public fair play and a "square deal" wherever within its jurisdiction the same may prove wanting. Where one person, either natural or artificial, obtains a contract for any service of a public character which another desires in whole or in part, the unsuccessful applicant has no just grounds of complaint simply because of his failure, for that is an incident of all competitive business. And if the successful applicant does his duty under the contract and his terms are fair and proper, the public is content. The more so is this the case where such service meets all the public requirements. And if, by reason of matters beyond the control of the contracting parties, the service is good but inadequate, the public prefers that rather than none.

Under these circumstances the rational conclusion seems to be that, as tending to the avoidance of monopolies and for the welfare of the public service, railroad companies should not make exclusive contracts with baggage transfer agencies, or those conducting any similar business, for the use of their depot or station buildings and premises in the prosecution of their business; but that, where any grant of privileges for such purpose is made, it shall provide primarily for the reasonable and convenient accommodation of the patrons

of the railroad to the extent to which the railroad can provide the necessary facilities therefor, without detriment to its general business and inconvenience and annoyance to its patrons, and, with only that limitation, to the extent necessary to meet the ordinary and usual demand for such service at that particular place. If at any station the facilities for the purpose are so limited that but one such agency can be reasonably accommodated, or if one be reasonably sufficient to perform all such service there as is ordinarily required, then one such agency will suffice. But if the demand there for such service exceeds the ability of one agency, and the railroad premises will accommodate others, then, in such case, any other proper agency or agencies, until the demand for such service is supplied or the accommodation of the railroad premises for the purpose is exhausted, must be given like privileges. Thus, in every case the public service will be supplied to the degree of which the facilities of the railroad company will admit, and exclusive privileges, as such, will be avoided.

It is expected that a railroad company, in its own interests as well as in that of its patrons, will make no such grant to any but a reliable and responsible party, prompt in and attentive to the duties to be performed, properly equipped for the work and reasonable in the charges made therefor; and that provision will be made for the prompt revocation of the license upon failure in these respects. The trustworthiness and responsibility of such parties is of especial interest to the railroads in those places where they are entrusted with the checking and delivery of baggage by the special delivery system; and prompt and reliable service at the most reasonable cost is of great moment to the traveling public at all places.

Under these regulations it will likely happen in many cases, possibly in the majority, that but one transfer agency will be accommodated at a railroad station, but this results not from the arbitrary action or any exclusive grant of the railroad company, but from the limited facilities there, or the limited amount of such service required.

In the particular case before us it is agreed that the "Allentown Transfer Company has a sufficient number of vehicles and horses to perform the baggage service properly at Allentown, and does so perform it." This service there is, therefore, adequate and proper and no complaint is made against it. The complainant's only allegation is that he is prevented by the respondent from participating in that service. Upon the facts of the case this does not injuriously affect the public service, and that is the prime consideration. On the other hand, the principle upon which the complainant contends for privileges like unto those enjoyed by said Transfer Company must operate to bestow those same privileges also upon all others desiring them, and that could not advantage the public, but, on the contrary, would re-establish the condition which formerly existed there, when, it is agreed, "Inconvenience and annoyance had been caused by numerous persons who solicited on the railroad company's platform, this sometimes being attended with disorder." This would be a distinct detriment to the public service without any compensating advantage.

Our conclusion is, therefore, that the contract in this case is not exclusive by reason of the clause therein to that effect; and that, the public service at Allentown being now adequately and properly accommodated by said Transfer Company, there is no valid reason given for any additional service of that character at that point, and the complainant's petition for an order on the respondent to permit him to prosecute the same business on its premises must be denied.

The contention of the respondent, made in its argument of the case, that this Commission is without jurisdiction in this matter is not sustained. Any interpretation of the act creating this Commission must be broad enough to affect its evident intent and purpose, and its provisions are sufficiently general to fairly meet and cover the facts of this case. The pleadings, moreover, raise no question of jurisdiction.

That the respondent received a comparatively insignificant consideration under its contract with the Transfer Company is not regarded as a matter of any moment here. If the public demands this accommodation and the railroad company can and does provide the necessary facilities for it, it is neither unreasonable nor against public policy, but only just to its stockholders, that it should receive a consideration therefor sufficient to compensate it for the use of its premises and any consequent injury thereto, but not so great as an exclusive and monopolistic grant might command.

If the making of any such contract be beyond the power and authority of the railroad companies, such ultra vires act cannot be avoided in a private proceeding by an individual.

Any such transfer agreements must primarily be the act of the railroad companies and the transfer parties, but subject to supervision by this Commission in case of complaint.

No. 2.

CONRAD MILLER-JOHN MIGNOT, TRADING AS THE EMPIRE LIME KILNS vs. CENTRAL RAILROAD COMPANY OF PENNSYLVANIA.

THOMAS J. SEXTON, Esq., for Complainants.

This was a complaint filed February 24, 1908, alleging that an excessive price was charged complainants for shifting of cars to its siding tracks as compared with similar charges made to other patrons of the same company within the same territory; that by reason of excessive rates and unjust and unfair discrimination on the part of respondent, complainants were unable to make any shipments via the Pennsylvania Railroad, the line of which is connected with that of the respondent company. Further specification in the complaint was that by reason of a dispute between respondent company and Complainants relative to the charge made on a certain shipment, respondent company refused to accept or move any freight consigned to petitioners until the same was prepaid; that respondent company had notified persons with whom the complainant dealt to this effect, thereby creating the impression that complainants were irresponsible and injuring their credit.

The railroad company answering, demurred to the right of the complainants to secure relief at the hands of the Commission alleging that there was pending in the Court of Common pleas of Centre County, No. 27 May Term, 1907, an action in trespass against the respondent, in which complainants set up all the matters covered in the petition filed with this Commission, except that relating to the refusal of the railroad company to handle freight consigned to the complainants without prepayment. The Central Railroad Com-

pany of Pennsylvania requested that its answer to the complaint should not be communicated to the complainants (as provided by the Rules of the Commission) for the reason that it would disclose to them the ground of defense of said company in the proceedings in the Common Pleas Court of Centre County. March 17, 1908, the Commission advised complaints that:

"Inasmuch as all of the matters covered in the petition, except one, were in litigation in the Common Pleas Court of Centre county the Commission did not deem it proper to take action prior to the determination of that cause by the Court. That by reason of these circumstances a copy of the answer of respondent was withheld until pending litigation was disposed of. That with regard to the complaint relative to an overcharge on shipment, Bellefonte, Penn'a, to Loretto, Penn'a, the complaint here properly should be lodged against the companies carrying said freight and not against this respondent."

March 20, 1908, attorney for complainants requested that action in this case be reconsidered, stating that the pending litigation in the Common Pleas Court of Centre County involved questions arising prior to March 9, 1907, and that the desire of the petitioners was to secure relief from existing conditions; that the action in trespass pending in the Court of Common Pleas of Centre County was not yet at issue, and would not be for a year.

Attorney for complainants was advised that, relative to complaint regarding refusal of the Central Railroad Company of Pennsylvania to receive freight consigned to petitioners without prepayment, it did not appear that there was anything unreasonable in the action of the respondent company in requiring such prepayment; that awaiting the disposition of the litigation now pending in the Common Pleas Court of Centre County, no action would be taken on the other matters complained of.

Case pending.

No. 3.

G. T. MATTHEWS vs. PITTSBURGH, WESTMORELAND & SOMERSET RAILROAD COMPANY.

SETH T. McCORMICK, for Respondent.

Complainant in this case alleged that the respondent company had been charging more than the legal rate of fare for carrying passengers on its line; that in the matter of naming of stations the policy of the company had resulted in great confusion to travelers, by reason of the fact that in a village locally known as Mechanicsburg, and bearing the postoffice name of Rector, the station maintained by the company was named Byers, and that south of this point on the farm of a man by the name of Rector was located a station called Rector Mills.

Commission advised complainant that insofar as his petition was concerned with the alleged violation of the Act of April 5, 1907, fixing the legal rate of passenger fare at two cents per mile, the Legislature specifically limited the enforcement to the authorities of the county in which the violation occurred.

This complaint was sent to the company for answer. Replying, the respondent stated that in the appeal of the Pennsylvania Railroad Company

against the enforcement of the above Act, their company had felt that they were justly entitled to change their rate of passenger fare by reason of the fact that, even at the rate of passenger fare now maintained, the company was scarcely earning operating expenses.

The company stated that the naming of the station at or near the village of Mechanicsburg (Rector Postoffice) as Byers was one of the considerations in connection with the grant of a right of way across the land of Noah Byers; that the change of the name of the postoffice located in the village of Mechanicsburg from Mechanicsburg to Rector was a matter without the control of the company, and done by the United States Post Office Department, because there was another town in the State called Mechanicsburg. Copy of this answer was communicated to the petitioner, and he was advised that the Commission would hold a hearing at a date to be agreed upon.

Complainant replied at length, adding in his reply an allegation of excessive freight charges. The Commission, subsequent to the receipt of the last communication of complaint, had an inspection and report on the situation made.

After considerable correspondence, the Commission eventually fixed June 2, 1908, as the date for a hearing in this matter. The complainant replied, stating that he would not be represented.

Following the conference, the Commission requested respondent to file with it statement showing cost of road and equipment; also showing result of operations for the year ending December 31, 1907.

In connection with the reply of the company to the request of the Commission for the above information, the allegation was made that the complainant in this case was a man of no responsibility:

"But one who had a reputation or a mania for correspondence; that gentleman's reputation be examined into, so that your Commission can decide whether objections from such a source should be seriously considered."

Under date of October 1st, 1908, and after consideration of all the communications submitted in connection with this matter, the Commission advised the respondent company that it appeared to the Commission that, this company having been incorporated under the Act of 1868, which provides in part at Section V as follows:

"All railroad companies incorporated under said Act shall have all rights, powers, privileges and be subject to all restrictions and liabilities of the Act regulating railroad companies, approved the nineteenth day of February, eighteen hundred and forty-nine."

which Act limits the rate of passenger fare to be charged by railroads incorporated thereunder to three cents per mile, the Commission would like to be advised what was the position of the company with reference to its rates of passenger fare.

Hearing fixed for January 6th, 1909.

No. 4.

J. FRED JOHNSON AND OTHER CITIZENS OF MASONTOWN, PENNSYLVANIA, vs. WEST PENN RAILWAYS COMPANY.

This was a petition by certain citizens of Masontown and vicinity, asking the Commission to direct respondent company to maintain at the Water street crossing in the borough of Masontown a regular stop of its cars.

The company for answer maintained that the discontinuance of the Water street stop in the borough of Masontown was due to reduction in the running time over this division of its lines.

A majority of the members of the Commission visited the borough of Masontown, and made the trip via the line of the defendant company from Uniontown, Pa., and after viewing the site and examining the schedule of the company, the following recommendation was made:

"In the matter of the petition of J. Fred Johnson and citizens of Masontown and Griffin Plant No. 2, asking for an additional stop of cars of the West Penn Railways Company at Water street crossing, borough of Masontown, Fayette county, Pa., it is recommended that the company arrange to stop cars traveling in both directions, on notice to the conductor, or on signal, at said Water street crossing, borough of Masontown, Pa."

Notice of this recommendation was served upon the company and accepted by it; stop being established as recommended.

No. 5.

MANUFACTURERS ASSOCIATION OF YORK, PENNSYLVANIA, vs. NORTHERN CENTRAL RAILWAY COMPANY and WESTERN MARYLAND RAILROAD COMPANY.

JERE S. BLACK, for Complainants.

GEORGE STUART PATTERSON and WILLIAM I. SCHAFFER for Northern Central Railway Company.

GEORGE S. SCHMIDT, for Western Maryland Railroad Company.

This was a petition having to do with the matter of the switching of empty and loaded cars between railroads having terminal facilities and actual physical connection within the limits of the city of York, Pennsylvania. It was alleged that there was in existence an agreement between the Western Maryland Railroad Company and the Pennsylvania Railroad Company relative to the matter of switching empty and loaded cars between the lines of said roads,

which resulted in giving to shippers whose plants were located within the zone covered by the agreement certain advantages not enjoyed by shippers without the zone. Complaint stated that the charge made for switching within this zone in connection with the receiving and delivering of traffic from one line to the other did not exceed the actual cost thereof, but that each of said companies refused to receive or deliver to each other cars loaded or empty consigned to shippers located without the prescribed zone or district. It was further alleged that, while the Northern Central Railway refused to permit switching of Western Maryland traffic for shippers not in the interchange district, this service was performed for shippers located upon the line of the Maryland and Pennsylvania Railroad, a third road entering the city.

Petitioners further set forth that the existing agreement between the Northern Central Railway Company and the Western Maryland Railroad Company had been violated at certain times.

Petitioners further contended that a general interchange of cars, loaded and empty should be made by all roads at connecting points, because, by reason of existing practice, shippers located outside the zone of interchange were subjected to unusual and unnecessary expense and delay.

This complaint was sent to both of the respondent companies for answer, and in connection therewith request was made for a copy of the agreement referred to by the petitioners, all of which was furnished.

Hearing was held, at which testimony was taken on behalf of both complainant and respondents, and following same briefs were submitted by all parties, and oral agreement heard.

Upon request of George Stuart Patterson, counsel for the Pennsylvania Railroad Company, for a rehearing and reargument of the case, and upon his representation that all other parties in interest were agreeable to same, a rehearing and reargument was granted by the Commission, and same was held at the office of the Commission, after which additional briefs were filed.

Case pending.

No. 6.

P. S. ANDERSON vs. RAILROAD COMPANY.

This was a complaint regarding uniformity as to the limit placed on round trip tickets.

As this complainant did not designate the name of any railroad company against whom this complaint was directed, nor give his address, complaint was necessarily dismissed.

No. 7.

W. O. SAMPSON vs. BUFFALO & SUSQUEHANNA RAILWAY COMPANY.

The complaint in this case was that the Buffalo & Susquehanna Railway Company on a portion of its line between Keating Summit and Austin, Penn-

sylvania, did not furnish proper equipment for carrying passengers; that the method of operating the road was such as to render travel dangerous, and that the equipment of the road in the matter of motive power and rolling stock for passenger service was insufficient. The case was taken up for adjustment by correspondence.

An inspector representing the Commission made an examination of the condition and ascertained that the particular branch concerning which complaint was made traversed a very mountainous country; very heavy grades, necessitating many sharp curves and switch back construction; that the lack of equipment referred to in the specific instance complained about was due to a wreck which had put out of commission the regular equipment. He further stated that the travel on this branch of the road was comparatively light.

Complainant was visited by the inspector, furnished with blanks for making complaint and advised to communicate with the Commission in the event that the condition originally complained about, and later corrected, should re-occur.

No. 8.

M. K. FRANK vs. PENNSYLVANIA RAILROAD COMPANY and BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY.

This was a complaint by a dealer in scrap iron relative to the rates charged by the respondent companies for hauling scrap between various points, the contract being made of rates between local points with rates between inter-State points, the first being non-competitive and the latter being competitive.

Subsequent to the filing of first complaint this correspondent made further complaint against the Pennsylvania Railroad Company, alleging that it had refused to move material after the issue of through bills-of-lading for shipment. In the second matter it was stated by complainant that the reason given by the railroad company for refusal to move freight after the issue of the bills-of-lading was that the material was consigned to a pre-paid station. Both of these complaints were disposed of with one communication.

Relative to the matter of rates on scrap iron between certain points, complainant was advised that the Commission could consider this matter on an allegation that the rates were excessive, or unreasonable, but that its jurisdiction did not apply to the rates on inter-State shipments referred to; that pending the receipt of a complaint, alleging that the rates were excessive, and the receipt of the answer of the railroad company to such complaint, the Commission could give no expression of opinion on the subject.

Relative to the matter of the refusal of the railroad company to move material after the issue of a through bill-of-lading, complainant was advised that it would appear that the whole controversy was due to a mistake of the Pennsylvania Railroad Company's agent at the shipping point, and was scarcely a matter for consideration by the Commission.

No. 9.**PITTSBURGH PRODUCE TRADE ASSOCIATION vs. PENNSYLVANIA
RAILROAD COMPANY.**

This association requested the Commission to advise it whether the Pennsylvania Railroad Company could properly collect storage on cars in the State of Pennsylvania in addition to the charge for demurrage, regulated by an Act of Assembly approved May 24th, 1907.

In reply to the original inquiry, the Commission advised that the matter was one that could be decided only after a hearing and investigation. It was further suggested that pending the filing of a formal petition for consideration of this subject, the association should ascertain fully the grounds upon which the Pennsylvania Railroad Company claimed the right to make such a charge as that complained of. And, also, whether or not the question was one which might properly come under the jurisdiction of the Inter-State Commerce Commission.

This matter was later presented in a formal way to the Inter-State Commerce Commission, and is still pending before that tribunal.

No. 10.**J. BELMONT MOSSER vs. BIG LEVEL AND KINZUA RAILROAD COM-
PANY.**

Complainant brought to the attention of the Commission the statement that the Big Level and Kinzua Railroad Company had, beginning January 23rd, 1908, failed to comply with the provisions of the act of April 5th, 1907, limiting the rate of fare for carrying passengers to two cents per mile, and that the company was charging fifty cents for carrying passengers twelve miles, between Kane and Mount Jewett, Pennsylvania.

The Commission advised complainant that the matter of the enforcement of the two cent fare act had been placed by the Legislature with the county in which the violation of the act occurred. But that if complainant was of the opinion that the rates of fare demanded or collected were unjust, excessive or unreasonable, and would so advise the Commission, the matter would be taken up by it.

There was no reply made to this communication.

No. 11.

JOHN L. FRECK vs. THE PENNSYLVANIA RAILROAD COMPANY.

This complaint was made verbally at the office of the Commission, and was to the effect that there had been an overcharge in connection with the shipment of an automobile from St. Louis, Missouri, to Millersburg, Pennsylvania, shipment traveling via Vandalla Lines and the Pennsylvania Railroad.

Notice was given the complainant that this being an interstate movement the matter was beyond the jurisdiction of the Commission, and he was advised to bring the same to the attention of the Inter-State Commerce Commission.

No. 12.

BUSTLETON IMPROVEMENT ASSOCIATION OF PHILADELPHIA vs. THE PENNSYLVANIA RAILROAD COMPANY and PHILADELPHIA AND READING RAILWAY COMPANY.

COMMITTEE FROM THE BUSTLETON IMPROVEMENT ASSOCIATION, for Complainant.

W. I. SCHAFFER, for The Pennsylvania Railroad Company.

Through a Committee specially appointed for the purpose this Association petitioned the Commission for a recommendation for a revision of the passenger train schedule maintained by each of the respondent companies between the city of Philadelphia and Bustleton Station. In addition the Commission was asked to recommend that the station and platforms of the Pennsylvania Railroad Company at Bustleton be put in good condition and so maintained.

The petitioners further asked that the Commission recommend the construction of a shelter shed on the inbound track at Bustleton Station, Philadelphia and Reading Railway Company.

The principal feature of this complaint was the lack of any service over either of the above named lines after six o'clock in the evening, and further the allegation that the existing schedules of both roads were so arranged as to make the service inconvenient and insufficient for citizens residing at Bustleton Station. The answer of the respondent companies to this petition and complaint was in each instance that the amount of traffic was not sufficient to warrant the putting on of additional trains or an increase of any character in the accommodations furnished, and that the operations were conducted at a loss.

Hearing was held in this matter at the office of the Commission, April 8th, 1908.

After consideration of the original petition and complaint the answer of the

companies and testimony taken at the hearing, the Commission made the following recommendation:

"That the Pennsylvania Railroad Company should so alter its schedule as to operate a train leaving Bustleton at about 7:00 o'clock in the morning and making direct connections for Philadelphia; also for a train leaving Philadelphia at 5:13 P. M., making connections through to Bustleton.

"The Commissioners further recommend that the Philadelphia and Reading Railway Company arrange to stop train No. 516 at Bustleton Station."

The management of both of the respondent companies accepted the recommendation of the Commission and put the same in force.

No. 13.

P. H. SCHAUM vs. PHILIPSBURG RAILROAD COMPANY.

Complainant brought to the attention of the Attorney General of the Commonwealth the charge that the Phillipsburg Railroad Company was collecting three cents per mile for passenger fare on its road.

The communication was referred by the Attorney General's Department to this Commission. After considering the same the following communication was sent to complainant:

"Your letter of March 3rd, 1908, addressed to the Attorney General of Pennsylvania and acquainting him with the fact that the Phillipsburg Railroad Company is charging three cents per mile for passenger fares, was laid before the Pennsylvania State Railroad Commission today. In reply I am directed to state that this Commission does not have charge of the enforcement of the two cent fare act. The act provides a method of enforcement (see pp. 59 pamphlet laws of 1907.) Section two of the act provides that any railroad company charging, demanding or receiving any more than two cents per mile for the transportation of any passenger or person is subject to a penalty, payable to the county where such illegal charge is made, and recoverable by said county."

No. 14.

A. T. JACKSON, Jr., vs. BIG LEVEL AND KINZUA RAILROAD COMPANY.

Complainant in this case communicated with the Governor of the Commonwealth, bringing to his attention the allegation that the Big Level and Kinzua Railroad Company was charging approximately four cents per mile for carrying passengers over its line.

This communication was transmitted to the Commission by the Governor of the Commonwealth and after considering the same the Commission directed that the following communication be sent to complainant:

"Your letter of March 4th, 1908, addressed to Hon. Edwin S. Stuart, Governor of Pennsylvania, was laid before the Pennsylvania State Railroad Commission at its meeting to-day. In reply I am directed to state that this Commission does not have charge of the enforcement of the two cent fare act. The act provides the method of enforcement. (See pp. 59, pamphlet laws of 1907). Section two of the act provides that any railroad company charging, demanding or receiving any more than two cents per mile for the transportation of any passenger or person is subject to a penalty, payable to the county where such illegal charge is made, and recoverable by said county."

No. 15.

D. A. FLOTO vs. BALTIMORE AND OHIO RAILROAD COMPANY.

This was a complaint that the respondent company was maintaining in the town of Meyersdale, Somerset county, Pennsylvania, a grade crossing over a public highway which was a menace to the citizens of the town; that although frequently petitioned to provide safety appliances or other form of protection at said crossing, the railroad company had declined to do so; that petitions addressed to the company by citizens as well as by the Councils of the borough, had not been even acknowledged. Complainant requested that the Commission take the matter up, investigate and make a recommendation.

After considering the same, the Commission advised the complainant as follows:

"The act creating this Commission only authorizes it to determine as to the necessity for such gates, watchmen, or other devices at grade crossings, where such crossings are those of one common carrier with another, and does not include a crossing of public roads by the railroads.

"Why crossings of this character were omitted from the act is not apparent, and it is possible that before long the act may be amended, so as to include some supervision over public road crossings.

"Until this is done, however, the Commission does not seem to have any authority in the matter.

"It is possible that if public sentiment is with you, as it perhaps is, you could, by persistent application to the railroad company, succeed in getting some such protection as you desire.

"This Commission would be very glad to take the matter up if it were authorized so to do."

No. 16.

HIRAM VANDYKE vs. WINFIELD RAILROAD COMPANY.

Complainant here made inquiry of the Commission as to the right of this railroad to charge certain fixed sums for the transportation of freight; also

right of the respondent company to charge demurrage at the rate of \$2.00 per diem.

Complainant was advised, after consideration of this matter, that the Act of May 24th, 1907, fixing the rate of demurrage charges, would prohibit the railroad company from legally collecting, in addition to those prescribed by law, any additional charges, and that all charges should be in accordance with this Act.

With regard to rate charged by the company for transportation of freight, complainant was advised that his letter did not furnish the Commission with sufficient information to make it the basis of a complaint; that the province of the Commission extended only to determining whether the rates charged were excessive or unreasonable, and that before expressing an opinion on this matter they must have additional and complete detail, as well as afford the railroad company an opportunity for a hearing.

Complainant was advised that if he desired such investigation to be made, he should file a complaint furnishing the Commission with additional information.

No. 17.

PENNSYLVANIA CLAY COMPANY vs. OHIO RIVER JUNCTION RAILROAD COMPANY.

THOMAS M. PATTERSON, for Complainant.

WILLIAM A. McCONNEL, for Respondent.

Complainant in this case was a manufacturing corporation, engaged in the manufacture of clay products, having two plants located on the line of the respondent company. The Ohio River Junction Railroad is a line 4.7 miles long, built from a connection with the tracks of the Pennsylvania Company (Pittsburg, Fort Wayne and Chicago Railroad), just east of Conway, Beaver county, Pennsylvania, to a point called Wallace City, northward.

The complainant had two factories on this line, one about one-fourth mile from the intersection of the Ohio River Junction Railroad with the Pennsylvania lines, the second one about one mile from the same point.

It was alleged that by reason of the character of the roadbed and equipment of the respondent company, the services rendered were so poor and inadequate that it was impossible at times to operate plants belonging to complainant.

The answer of the company to this complaint was that the allegations of the complainant were untrue with regard to the amount of service alleged to be required, also with regard to the charge that the service was so poor and inadequate that it was at times impossible to operate its plants; also that the roadbed was such as to make operation dangerous; also that there had been any violation of the laws of the Commonwealth with regard to railroads or of the charter obligations of the company. It was further set up that the operation of the railroad and its equipment was sufficient to meet the traffic demands and all that could be expected with the existing income of the road.

Before arranging for a hearing in this matter the Commission had a personal investigation of the situation made by its marshal.

Hearing was held April 8th, 1908, and testimony taken.

While this proceeding was pending and undetermined the Commission was advised by the Secretary of the Commonwealth that May 21st, 1908, an agreement of consolidation and merger was entered into by and between the Ohio River Junction Railroad Company and the North Shore Railroad Company, forming the North Shore Railroad Company.

The Commission thereupon ordered an inspection of the entire situation, corporate and physical, by a competent engineer. Pending the report, the Commission secured from the North Shore Railroad Company a statement to the effect that said company admitted that it was responsible since the merger exactly as the Ohio River Junction Railroad Company was before said merger. Upon receipt of the report of the engineer on this matter, the Commission made the following recommendation under date of July 27th, 1908:

"That the Ohio River Junction Railroad Company, now the North Shore Railroad Company, replace the rotten and imperfect ties along its line, with new substantial ties, replace splices and re-surface the line wherever necessary, so that traffic may be conducted over it in an ordinary manner with reasonable freedom from accidents.

"That if the ownership of the sidings now in litigation shall be determined to be in the Ohio River Junction Railroad Company, now the North Shore Railroad Company, the said company shall repair the sidings by replacing the decayed ties with new ones, and surfacing such sidings as may require surfacing, and that where switches are not in proper working order they be adjusted to meet the demands of safe traffic.

"That the Ohio River Junction Railroad Company, now the North Shore Railroad Company, shall improve its locomotive by at once equipping it with a good headlight, a cow catcher and a brake sufficient to control the operation of the locomotive when running alone, or hauling a train of loaded or empty cars.

"That the Ohio River Junction Railroad Company, now the North Shore Railroad Company, shall place guard rails on the several bridges or trestles on its line and place warning signs at the public road crossings along its line.

"It appearing from the examination of the testimony, as well as the report of the engineer, and also from an examination of the car service records, of the Ohio River Junction Railroad Company, now the North Shore Railroad Company, that practically all of its traffic is now conducted over that portion of its line extending from the junction of the Ohio River Junction Railroad, now the North Shore Railroad Company, with the tracks of the Pittsburg, Fort Wayne and Chicago Railroad Company, at or near Conway, Pa., and to the location of No. 2 plant of the Pennsylvania Clay Company, on the line of the defendant company, the intention of the Commission is that the above recommendation shall apply to the tracks, switches and sidings of the defendant company, between these points but the Commission specially recommends further that in the event that the future business of this railroad company should be materially increased on that portion of its line beyond No. 2 plant of the Pennsylvania Clay Company, the said defendant company shall then place the sides and roofs of the two tunnels, located on such portion of the line in such condition as will insure the safety of train crews and trains operating through these tunnels."

The president of the responding company acknowledged receipt of this recommendation under date of August 12th, 1908, writing at the time from a point in Colorado, and advising the Commission as follows:

"It will have our prompt attention upon my return to Rochester, in September."

Notice to this effect was given complainant company.
Case pending.

No. 17-A.**AUMENT & COMPANY ET AL. vs. PENNSYLVANIA RAILROAD COMPANY.**

EDWIN M. GILBERT, for Complainants.
WILLIAM I. SCHAFFER,
GEORGE STUART PATTERSON,
For Respondent.

Complainants in this case were a number of merchants residing at Quarryville, Lancaster county, Pennsylvania, the complaint being that the rates charged by the Lancaster & Quarryville Railroad Company, which company is owned and operated by the Pennsylvania Railroad Company as agent, were excessive. The rates specified were those to points between Quarryville and Lancaster, and the commodities upon which the rates were declared excessive were the following: Coal and lumber, horses, cattle, fertilizer, potatoes and merchandise.

The answer of the railroad company to this complaint was a denial that the rates charged were excessive.

At the conclusion of the taking of testimony in this matter, under instructions of the Commission it was arranged that a conference between the parties be held, and an effort be made to adjust the differences, it appearing that the principal portion of the complaint was based upon the fact that the Lancaster & Quarryville Railroad Company did not have in force any joint rates with connecting roads, and that no commodity rates had ever been issued, the position of the railroad company being that application had never been made for the issue of commodity rates.

Conference was held between a representative of the respondent company and the complainants, together with counsel, the proposition discussed being that the Lancaster & Quarryville Railroad would be placed, insofar as related to freight tariffs, upon a parity with branch lines of the Pennsylvania Railroad Company, and that if this arrangement was made, the complaint of Aument & Company et al., and the complaint of I. H. Dickinson et al., Docket No. 26, in which practically the same parties were complainants, would be satisfied.

The Pennsylvania Railroad Company, having filed with the Commission an agreement to put in force, effective January 1st, 1909, rates in accordance with this agreement, this case was marked closed by adjustment.

No. 18.**D. J. HOLBY vs. PENNSYLVANIA RAILROAD COMPANY.**

The complainant, a resident of New Florence, Pa., brought to the attention of the Commission the following matter, that at the time of the change of

right-of-way of the Pennsylvania Railroad Company through his property there had been a change in the course of a stream traversing said property, with the result that complainant was subject to great damage by overflow, and further that the location of the township road had been changed, with the result that by reason of freshets same had been practically washed away, and complainant was without means of egress or ingress.

The Commission advised complainant that this matter was beyond the jurisdiction of the Commission, and one that could only be adjudicated in the courts.

No. 19.

RICHARD L. SMITH vs. WEST SIDE BELT RAILROAD COMPANY.

SYLVESTER J. SNEE, ESQ., for Complainant.

Counsel for this complainant originally addressed the Attorney General of Pennsylvania, advising him that the West Side Belt Railroad Company, a corporation of the State of Pennsylvania, had discontinued passenger train service over its lines, said act being in violation of its charter obligations, and causing great inconvenience to the communities traversed. This matter was handed to the Commission for its consideration.

Subsequently the complainant filed a formal complaint, setting forth in detail the facts above stated.

The answer of the respondent company admitted that on April 4th, 1908, the company had ceased to run or operate passenger train service. It denied that the complainant had been a regular patron of said road, and had been inconvenienced by discontinuation of service; that there was any public demand for such service; also, that the people residing in the district traversed were inconvenienced by the discontinuation of said service.

It was further set forth that practically all of the stock of respondent company was owned by the Pittsburgh Terminal Railroad and Coal Company, which company was incorporated for the purpose of mining, transporting to market and selling coal; that the object of constructing the road of respondent company was to facilitate the marketing of coal; that the operations were almost entirely switching operations and the transportation of coal from the mines to connections with other railroads.

It was further stated that a trial of over three years had demonstrated that a remunerative passenger business could not be developed along respondent's road, and that the discontinuation of passenger service was due to the fact that the same was not remunerative; also that the respondent company did not own any passenger equipment and was without any passenger depot or convenient place in the city of Pittsburgh to receive or discharge passengers; that an agreement had been made with the Wabash Pittsburgh Terminal Railway Company for the use of its tracks and terminal facilities in the city of Pittsburgh.

It was further alleged in answer that paralleling the line of respondent company through the most thickly populated territory traversed by it was another railroad devoted almost exclusively to passenger business and having

a large number of trains in service, and that other portions of the territory traversed by respondent company's road were served by other railroads; that respondent had not been able to compete with other passenger transportation lines and consequently had not been able to operate its passenger trains, except at a loss and that for this reason passenger service had been discontinued.

Finally respondent denied that said company was under any obligations to operate passenger trains under the conditions stated.

Upon consideration of the original complaint and answer in this case, the respondent company was advised as follows:

"At a meeting on June 3rd, 1908, this Commission had before it your answer to the complaint of Richard L. Smith, and after considering the same the Secretary was directed to write you and inquire upon what authority your company held itself to be absolved from its charter obligations.

"The Commission is informed that the West Side Belt Railroad Company was incorporated under the act of April 4th, 1868, which is a general railroad law, and by reason of such incorporation it incurred certain charter obligations, which, in the opinion of the Commission, the West Side Belt Railroad Company now assumes to neglect.

"The Commission would like to hear from you at as early a date as possible on this subject the purpose being to have you present an argument as to the right of your company, no matter by whom the stock of the company is owned, to abandon its passenger service."

Subsequent to the sending of this communication to the company, the Commission received, under date of July 3rd, 1908, supplemental answer of the respondent company, signed by H. W. McMaster and F. H. Skelding, receivers of said railroad company. Accompanying the same was a certified copy of bill, answer, and decree of the court in the case of the Wabash Railroad Company against the West Side Belt Railroad Company, No. 7 November Term, 1908, Circuit Court of the United States for the Western District of Pennsylvania.

Among other things, the supplemental answer set forth the following: That the receivers of this property had ascertained that the condition of the bridges and trestles (sixteen in all) on the line of said railroad company, being of timber construction, was such that the receivers considered it unsafe and hazardous to operate passenger trains thereon without extensive repairs and improvements; that the receivers proposed to make such repairs, or replacements if enabled to do so, in order to restore the said line to a safe operating condition, and that the work would be begun and carried forward as speedily as possible.

Under date of July 9th, 1908, the Commission communicated as follows to counsel for complainant:

"From the supplementary answer and attached papers it appears that this company (West Side Belt Railroad Company), is now in the hands of receivers and under control of the United States Circuit Court for the Western District of Pennsylvania, and that any application for directions to the receivers with regard to the operation or management of the railroad should be made to the Court during the period of the receivership.

Case pending.

No. 20.

A. L. FELTWELL vs. ALTOONA AND LOGAN VALLEY TRACTION COMPANY.

Complaint made in this case was that the rate of fare charged patrons of this line residing on that portion between Altoona and Hollidaysburg was excessive, and that the service was poor and the condition of cars bad. Complainant volunteered to circulate and file with the Commission, when signed, a petition setting forth these facts.

Copy of form of complaint was sent to the complainant, and in reply he advised that he wished the complaint to be acted upon by the Commission without making known to the company the name of the complainant. The Commission requested complainant to make his complaint more specific and to arrange for some person to appear as a responsible complainant in this matter.

There being no answer to this communication of the Commission within ninety days, this case was dismissed.

No. 21.

B. C. MITCHELL AND SON vs. PENNSYLVANIA RAILROAD COMPANY, PHILADELPHIA & READING RAILWAY COMPANY, WESTERN UNION TELEGRAPH COMPANY and the UNITED STATES EXPRESS COMPANY.

This was a complaint by letter, and was to the effect that by reason of the location of the town of Brandamore and the frequent necessity of sending telegraph messages over two connecting lines, citizens were compelled to pay double rates, and a similar condition existed as to express matter, and that the rates for the delivery of package freight were greater than to nearby towns; that local freight sent via Pennsylvania Railroad Company and the Philadelphia & Reading Railway Company was charged for at double rates. In addition, there was a complaint as to the weight of commodities shipped in car-load lots; also complaint as to demurrage charges.

Complainant was advised that it appeared that the difficulties complained about were due to their location, making it necessary in matters of telegraph, express and freight service to use the lines of two separate companies, who refused to pro rate charges, and a similar condition applied in the matter of package rates, and the only thing the Commission could do was to inquire whether these local rates were excessive. The complainant was asked to bring the matter before the Commission in this form. This communication of the Commission remains unanswered.

No. 22.**PETITION OF EAST BROAD TOP RAILROAD & COAL COMPANY.**

JOHN D. DORRIS for Petitioner.

This was a petition addressed to the Commission, asking that the Commission assist it in securing relief from the operation of the Federal "Safety Appliance Act," and setting forth as reasons therefor that the entire line of this railroad company was located within the State of Pennsylvania; that by reason of the gauge of its tracks its cars could not pass over any other railroad or outside of the county of Huntingdon; that by reason of the character of the grade and curves of the road, it was the opinion of the officers that greater safety could be secured by hand-brakes than by air-brakes; that by reason of the equipment in use for hauling freight on the road the installation of safety appliances would require remodeling of the equipment; that the petitioning company had never paid a dividend on its stock or interest on its bonds since 1885; that the petitioner was concerned lest proceedings be instituted against it by the Federal authorities; that the installation of safety appliances would work a great hardship to the stockholders of the company.

Hearing was held in this matter, and Commission dismissed the case for want of jurisdiction.

No. 23.**J. B. KELLER vs. THE PENNSYLVANIA RAILROAD COMPANY.**

WILLIS G. KENDIG, for Complainant.

Complaint was made to the Commission that the Pennsylvania Railroad Company in handling cattle consigned to complainant at Mt. Joy, Penn'a., failed to observe any regular time; whereas, cattle consigned to Lancaster, Penn'a., a nearby point, were delivered by regular train; that by reason of this practice complainant suffered great inconvenience, and frequently heavy loss; that the train which carried cattle from Harrisburg to Lancaster passed through Mt. Joy and that cattle consigned to complainant could be cut out at Mt. Joy. Complainant set forth three specific dates upon which practices complained about had occurred; two of which dates were in the year 1905 and the third in the year 1908.

This complaint was sent to the respondent company for answer, advising that Company that the Commission took cognizance only of the complaint arising in the year 1908.

The answer of the respondent company was that the delay complained of in

the year 1908 was due entirely to an accident resulting in a derailment; that because of the requirement of the Federal law that cattle shall be fed at certain intervals, and that when unloaded for feeding they shall have five hours' rest before being re-loaded, these cattle, which would have been forwarded under ordinary circumstances at 9:00 o'clock of the previous day, were not forwarded until 12:20.

Respondent company further stated that during certain portions of the day it was impossible to run freight trains via the Mt. Joy route, on account of the number of passenger trains traversing it and that the stock siding at Mt. Joy station was so located that stock arriving from the west must be shifted to the westbound track before they can be delivered to the stock siding.

Copy of answer of respondent company was sent to complainant.

Complainant requested the Commission to make a recommendation, involving a change in the location of the stock siding, and also a revision of its facilities for handling live stock at Mt. Joy.

Commission made inquiry of the company as to the total amount of business for the year 1907 at this point, which was furnished.

The Commission was later informed in connection with this matter that a complaint of a similar nature, or possibly the same question, had been made before the Interstate Commerce Commission and decided. It was then ascertained that at the August term, 1906, of the Common Pleas Court of Lancaster county, a civil action by J. B. Keller against the Pennsylvania Railroad Company had been entered, and after hearing and argument had been decided against the plaintiff.

As a result of this inquiry, the Commission advised the complainant that, inasmuch as two of the instances complained about had been adjudicated by the Court of Common Pleas of Lancaster county, and inasmuch as it was admitted by Counsel for the complainant that the third instance complained about was one for court action, there remained nothing calling for action by the Commission.

No. 24.

AMERICAN HIDE & LEATHER COMPANY vs. ERIE RAILROAD COMPANY.

This was a complaint for a refund of a portion of freight charges paid on shipment from Meadville, Pa., to Curwensville, Pa. Complaint was to the effect that, although there was in force a joint rate of fifteen cents per one hundred pounds between these points via the Erie Railroad and the Buffalo, Rochester & Pittsburgh Railway, the shipment complained of was delivered at the Erie Railroad Company without instructions, and instead of handling this freight over the shortest route, and at the lowest rate, shipment had been turned over to the Pennsylvania Railroad Company, with which road the Erie Railroad Company had no through rate to destination.

It was pointed out that under the Inter-State law the railroad originally accepting freight for delivery at a point beyond its lines is liable for any loss resulting from misrouting.

The Commission ascertained that there had been no effort made to secure the adjustment of this matter by communication with the Erie Railroad Company, and suggested to complainant that this would be the proper procedure, and if any question arose as to the legality of the adjustment it could then be submitted to the Commission for a ruling.

Papers in the case were returned and no further action requested by either of the parties.

No. 25

HALPEN, GREEN & COMPANY vs. PENNSYLVANIA RAILROAD COMPANY and PHILADELPHIA & READING RAILWAY COMPANY.

Complainant in this matter alleged that the minimum freight charges fixed by the Pennsylvania Railroad Company and the Philadelphia & Reading Railway Company were excessive, and that in the case of trade with New Jersey points it was a discrimination against the business interests of Philadelphia. Complainant asked that a ruling be made fixing the minimum charge at twelve cents, instead of twenty-five cents, as now in force.

This complaint was dismissed because the matter complained of was one beyond the jurisdiction of the Commission; complainant referred to the Interstate Commerce Commission.

No. 26.

GEORGE W. WILLIAMS vs. ERIE RAILROAD COMPANY.

Complainant alleged that the respondent company was maintaining on its Tioga Division at Lawrenceville, Tioga County, a passenger station which consisted of a box car, and did not furnish proper accommodations to the traveling public.

The adjustment of this matter was taken up by the Commission with the railroad company through correspondence, and after a lengthy period of negotiation an arrangement was effected, whereby the Erie Railroad Company would use the station and premises of the New York Central Railroad Company at Lawrenceville, Pa.

Complainant was advised of this fact, and informed the Commission that the adjustment was satisfactory.

No. 27.**JACOBS CREEK COAL COMPANY vs. MONONGAHELA RAILROAD COMPANY.**

Complaint was made that: first, the rates charged by respondent company on coal consigned from points on its line to Uniontown were excessive, as compared with those maintained by other companies; second, that the rate charged on coal destined to points north and west was fifteen cents per ton greater than the Pittsburgh rate, and rendered it impossible for producers located along the line of respondent company to compete in the markets to the north and west; third, that the rates on coke were uniform on all the roads; fourth, that by reason of the quality of the coal lying along the Monongahela Railroad it was essential that the operators in said district enjoy a fair freight rate.

The answer denied that the rates charged for coal shipments originating upon respondent company's railroad were burdensome or excessive, but admitted that the quoted rate per ton on coal shipped from points on its road to Uniontown was correct, stating that said rate could not be reduced without injustice to respondent and its stockholders. It was further admitted that the complaint was correct in stating that a difference of fifteen cents per ton existed in the rates to points north and west between the Pittsburgh district and the Connellsville district, within which a large part of the territory traversed by the respondent company lay. But it was set forth that the difference in rates was just and reasonable.

The complainant was asked to furnish the Commission with a statement showing the points between which shipments occurred, as referred to in first paragraph of its complaint.

Information as to the group system of rates was furnished the Commission, together with a map showing the boundary lines of all railroads traversing group territory.

Owing to the failure of the complainant to reply to the communication of the Commission, requesting information which would enable it to determine this question, no action has been taken.

Case pending.

No. 28.**J. M. WALLACE vs. ADAMS EXPRESS COMPANY.**

This was a complaint relative to the express rates between Pittsburg and Parnassus, Penn'a., alleging that the rates on bread were forty per cent. lower than on any other commodity; that the result was a hardship on ship-

pers of other commodities. Complainant filed additional communication, alleging that the special commodity rates on bread were unfair to shippers of other commodities.

In reply, the Commission advised complainant that the principle of classification of rates by commodities was one recognized by all courts and commissions, and in the instance cited by him this classification did not constitute a discrimination.

Replying to this communication, complainant stated that previous to March 23, 1908, there had been in effect to points within a fixed radius in the city of Pittsburg special rates, which at the date mentioned had been increased, and that the resultant rates were excessive. Commission requested that complainant put this matter in the form of a complaint to the effect that rates were excessive.

Replying, complainant stated that he must decline to assume any personal responsibility for prosecuting the complaint or any expense, and that it would be more to his interest to pay the excessive charge than to make the expenditure to prove his complaint.

Subsequently the Chamber of Commerce of Pittsburg opened a correspondence with the Commission on this matter, which is still unconcluded

No. 29.

WELLSBORO CITIZENS vs. NEW YORK CENTRAL & HUDSON RIVER RAILROAD COMPANY.

ROBERT K. YOUNG, Esq., for Complainants.

This was a petition of the citizens and merchants of Wellsboro, Tioga county, Pa., asking the Commission to investigate the conditions attending the operation of said road to this point, and particularly the character of service rendered, and that it recommend that this company operate all trains through to Wellsboro instead of sending passengers by branch trains from Stockesdale Junction; that the company should furnish Pullman car accommodations on at least one train in each direction a day; that the respondent company should furnish a passenger station with such conveniences as are necessary for the use of the traveling public; and that the respondent company should furnish additional accommodations over that portion of its line operating from Wellsboro to Antrim.

Subsequent to the filing of this complaint and before the same was acted upon, the Commission had an investigation made by its inspector, and after receiving report of same, the complaint was sent to the railroad company for its answer.

Case pending.

No. 30.**CITY OF CHESTER, (BY D. M. JOHNSON, MAYOR), vs. CHESTER TRACTION COMPANY.**

A. A. COCHRAN, for Complainant.

RICHMOND L. JONES, For Respondent.

The Complainant in this case filed a petition with the Commission alleging that the Chester Traction Company had violated certain of its charter rights, as well as its franchise rights, and was operating a street railway in an unfair, unjust and unreasonable manner and so as to prevent and not promote the safety and accommodation of the public.

In addition it was alleged that cars were not running on portions of the line of said company; that operations were being conducted by inexperienced motormen and conductors; that by reason of the refusal of the company to pay an adequate wage, competent and experienced men to be used as motormen and conductors could not be secured and were not in use; that as a result of said situation public disorders and riots had occurred. It was further alleged that there was in existence on the line a strike due to reduction of wages of employees of the company and that by reason of said strike rioting had occurred and would continue to occur and the public was prevented from being safely and conveniently transported.

The answer of the Traction Company to this complaint was that there had been no violation of the charter or franchise rights of the company and no delay in the service, except such as was occasioned by violence and disorder which had resulted in the overpowering of the civil authorities; that the only portions of the line of the company over which operations were not in progress were such as the company was not able to secure proper protection for the operation thereof; that as to the allegation that incompetent and inexperienced employees were being employed, the facts were not as alleged by complainant, and that all other matters complained about were due to the failure of the proper authorities to furnish the company the protection to which it was entitled under the law, and that control of affairs in the city of Chester was and had been for some time in the hands of a mob; that employees of the company engaged in the operation of its cars had been assaulted, but that the company did operate on portions of its line and furnish the public with proper service provided protection was furnished.

After considering the same, the Commission dismissed this complaint with the following communication addressed to D. M. Johnson, mayor:

"After full consideration of the complaint filed by you in behalf of the City of Chester, against the Chester Traction Company, and of the reply of the said Traction Company thereto, as well as of the facts which have been notoriously public concerning the matter, this Commission is of the opinion that all of the matters complained of are the direct outgrowth of the strike, and the lack of public order thereon, and not the result of any indisposition of said traction company or its officials to properly perform their charter duties.

"It would seem that if law and order had been preserved by those upon whom such duty devolves, the situation would long ere this, been greatly improved, if not restored to its normal condition.

"If the traction company should fail, after the restoration of peace and order in the city, to properly discharge its corporate duties, and complaint should then be made to this Commission of such failure, it would at once proceed to ascertain where the responsibility lay, and would make such order as would tend to secure full performance by said company of its public obligations. But until this time shall have arrived, and such failure under peaceful conditions have occurred, this Commission does not feel warranted or authorized to take any further action in the matter."

No. 31.

F. BARTLE & SON vs. PENNSYLVANIA RAILROAD COMPANY.

RUBY R. VALE, for Complainant.

GEORGE STUART PATTERSON and WILLIAM I. SCHAFER, for Respondent.

Petitioner in this case, a firm dealing in coal at retail, located at 25th Street and Sedgley Avenue, Philadelphia, asked for the restoration of a siding into its yards, which had been removed at the time of the revision of the street lines and tracks.

The answer of the respondent company was that, owing to the changes made in the line of tracks at this point, it was impossible to instal a siding into petitioner's coal yard, because the radius of curve necessary would be such as to prevent the company in operations over it from meeting the requirements of the Federal "Safety Appliance Act."

Hearing held in this matter at Philadelphia, Penn'a, October 15, 1908.

At the request of the petitioner, subpoenas were issued for the following: S. T. Wagoner, W. W. Atterbury, Henry H. Quinby and James W. Phillips.

Hearing held and testimony taken on behalf of both parties on the same date, and subsequent to taking of testimony the Commission personally viewed the proposed site of the siding. By agreement, it was decided that the matter of installing switch connection at this point should be referred to an engineer selected by the Commission, who would consult with engineers representing petitioner and respondent. Such a conference was held, and as a result engineer representing the Commission recommended that a siding connection be made from the tangent of the most northern switch track of the Pennsylvania Railroad to the property of petitioner on a radius of not less than 175 feet. Plan showing the proposed connection was filed. The Commission thereupon advised petitioner as follows:

"After full consideration of your complaint against the Pennsylvania Railroad Company regarding siding connection at your coal yard (25th Street and Sedgley Avenue, Philadelphia), and of testimony taken thereon, as well as after a personal inspection of the premises, and an examination and report made by an expert engineer designated by us for that purpose, it is the opinion of the Commission that, while it is possible to construct such a siding as your engineer planned, and with extreme care to operate the same, such operation under ordinary circumstances would be attended with such dangers and hazards that it would be unwise for the Commission to recommend its construction. In view of the dangers such recommendation would also establish a bad precedent.

"However, our engineer, with a view of trying to devise some way to accommodate you, thinks it possible to make a connection

from the east, the route of which would necessarily cross the siding of Hall & Company, as well as traverse a portion of the outside corner of said company's lot, but would give you a tangent along the west side of your lot, extending to and on your western line. It is thought this would accommodate a couple of cars, and perhaps sufficient bins to serve your purpose.

"If you can secure the right of way from Messrs. Hall & Company, and think this arrangement desirable for you, we will do what we can towards aiding you in that direction.

"Upon advice from you as to your wishes in this matter we could arrange for a joint meeting of your engineer, the engineer of the Commission, and an engineer representing the Pennsylvania Railroad Company, with a view of trying to arrange such a siding."

Case pending.

No. 32.

O. B. BLANCHARD vs. BUFFALO & SUSQUEHANNA RAILWAY COMPANY.

Complaint was made to the Commission that respondent company was maintaining at Nelson, Penn'a, a freight station and so advertised in its published tariffs; that there were no accommodations for the handling of freight or the care of it at that point; that freight consigned to this point was usually taken to a point five (5) miles beyond—consignees being put to the additional expense of either carting or transferring after the receipt of the same. Answer of the respondent company to the petition was that the amount of traffic destined to or arising at this point was not sufficient to warrant the company in maintaining an agent or erecting a freight station there.

After voluminous correspondence with the railroad company on this complaint, the Commission was in receipt of an additional complaint requesting it to make a recommendation for the abolition of this station. The Commission thereupon wrote complainant, advising as follows:

"After considering the same, it was directed that you be informed that it appeared to the Commission that this correspondence was conflicting and diametrically opposed to that originally undertaken by you with the Commission. It appears that the railroad company is trying to serve your community as best it can in consideration of the amount of revenue derived at Nelson. The whole situation seems capable of solution by the citizens of Nelson directing to what point their shipments should be consigned, whether to Nelson, with the understanding that there is neither agent, siding, nor protection for freight, or to Elkland, where all are found. To abolish the station at Nelson, the Commission believes might seriously inconvenience some citizens in that locality, while its maintenance, as at present does not prevent others from having their goods delivered at Elkland if they so choose. By this method both the Nelson citizens, who want delivery made at Nelson, and those who prefer delivery at Elkland, can be accommodated. The control of the matter is wholly within the power of the Nelson citizens themselves."

No. 33.**C. W. KRISSINGER vs. BALTIMORE & OHIO RAILROAD COMPANY.**

Complaint was made in this case that the Baltimore & Ohio Railroad Company was discriminating against the residents of the borough of Berlin and vicinity, by reason of the fact that a considerable reduction had been made in the train service to and from that point.

Before acting on this complaint the Commission was in receipt of a request from the complainant, asking that action by it be postponed, as the railroad company had promised a revision of its schedule, subsequent to the filing of the complaint.

Case indefinitely postponed.

No. 34.**J. E. FORRESTER vs. PENNSYLVANIA RAILROAD COMPANY.**

Complaint was made that the respondent company charged a higher rate on flagstone between Newberry Junction, Pa., and Selinsgrove, Pa., than was charged on the same commodity between Trout Run and Selinsgrove, the latter haul being the longer.

Freight upon which the higher rate was charged originated at a point on the New York Central & Hudson River Railroad beyond Newberry Junction. This complaint was taken up with respondent company, which, in answering, stated:

"That the shipment complained about had not been correctly charged, and that the correction would be issued and refund made on presentation of bill."

The case was adjusted to the satisfaction of all parties on this basis.

No. 35.**WALTER A. RUMSEY, ET AL. vs. PENNSYLVANIA RAILROAD COMPANY.**

WILLIAM A. GLASGOW, JR., and CHESTER N. FARR, JR., for Petitioner.

GEORGE STUART PATTERSON and WILLIAM I. SCHAFFER, for Respondent.

This was a petition of residents of the Twenty-fourth Ward in the city of Philadelphia, in the neighborhood of Fortieth Street on the main line of

the Pennsylvania Railroad, requesting that the Commission recommend that the respondent company restore its local passenger train service to and from Fortieth Street, and provide the necessary accommodations at that point for the handling of passengers.

The answer of the respondent company was, that prior to November 24, 1901, it had maintained a station at this point; the same was abandoned and petition for the re-establishment had been refused. Not only would the operation be at a loss, but it would result in great inconvenience and detriment to the public generally, as well as to the respondent company in the operation of all its business.

Hearing was held in this matter in the city of Philadelphia on October 16, 1908. Prior to the hearing, the Commission made an examination of the proposed site of the station, representatives of both complainants and respondent being present.

At the time fixed for argument of this matter, counsel for the complainant requested permission to submit additional testimony, which was granted. Briefs have been filed in the above case. No decision rendered.

No. 36.

O. M. BENNETT, BURGESS, BOROUGH OF NEW FLORENCE, PA. vs. PENNSYLVANIA RAILROAD COMPANY.

The petitioners here were the Burgess and members of the Borough council of New Florence, Pa., and requested the Commission to investigate the condition at the grade crossing within said Borough where the line of the respondent company is crossed by the main highway, and that the Commission recommend the erection of safety appliances by respondent company at that point.

Petitioners notified that the Act creating the Commission did not give it the right to supervise grade crossings of common carriers by public highways.

Case dismissed.

No. 37.

ACME BREWING COMPANY vs. PENNSYLVANIA RAILROAD COMPANY.

Complaint was made that the Pennsylvania Railroad Company, in the operation of its Ellsworth Branch, did not furnish a sufficient train service under existing schedule to accommodate the traveling public, and that the schedule

was such that it was impossible for complainants to keep in its employ skilled labor.

After considering this complaint, the Commission directed that complainant be advised as follows:

"The facts given in the complaint do not show such demand for additional or other train service as in the opinion of this Commission would warrant it in making such recommendation to the railroad company."

Case dismissed.

No. 38.

H. B. McNULTY, ET AL. vs. CUMBERLAND VALLEY RAILROAD COMPANY AND CHAMBERSBURG & GETTYSBURG ELECTRIC RAILWAY COMPANY.

J. A. STRITE, Esq., for Petitioners.

MESSRS. SHARP & ELDER, for Respondents.

The petitioners in this case, residents of the borough of Chambersburg, Franklin county, Penn'a, made complaint that the Cumberland Valley Railroad and the Chambersburg & Gettysburg Electric Railway Companies had refused to permit the Chambersburg, Greencastle & Waynesboro Street Railway Company to use the crossing whereby the Chambersburg & Gettysburg Electric Railway Company crossed the tracks of the Cumberland Valley Railroad Company, although, under the terms of the franchise granted to the Chambersburg, Greencastle & Waynesboro Street Railway Company by the borough of Chambersburg, the last named company was given the right to the use of the said crossing.

It was further complained that before requesting the use of the crossing above referred to, the Chambersburg, Greencastle & Waynesboro Street Railway Company had endeavored to secure permission to cross at grade the tracks of the Cumberland Valley Railroad at another point.

In addition, it was alleged that the Cumberland Valley Railroad Company and the Chambersburg & Gettysburg Electric Railway Company were largely owned by the same interests and officered by the same people, and that the management of both companies was in harmony.

Answer was made jointly by each of the respondent companies, and therein it was set forth, that, by proceedings in the Court of Common Pleas of Franklin county, at the instance of the Cumberland Valley Railroad Company there had issued an injunction to prevent the Chambersburg, Greencastle & Waynesboro Street Railway Company from crossing the tracks of the Cumberland Valley Railroad Company at grade, which injunction was still in force.

It was further stated that it was true that there had been negotiations between the Chambersburg, Greencastle & Waynesboro Street Railway Company and the Chambersburg & Gettysburg Electric Railway Company for the use of the tracks of the latter company, and its crossing over the tracks of the Cumberland Valley Railroad Company at grade. It was denied that the

Chambersburg & Gettysburg Electric Railway Company was legally required by any ordinance to permit such use of its tracks.

In behalf of the Cumberland Valley Railroad Company it was further stated that it had offered to construct, at its own expense, a subway under its tracks at a point in said borough and permit the free use of the same by the Chambersburg, Greencastle & Waynesboro Street Railway Company, and that if that offer had been accepted, access to the central portion of town would have been given the Chambersburg, Greencastle & Waynesboro Street Railway Company, but it was declined.

It was furthermore stated that a grade crossing over the tracks of the Cumberland Valley Railroad Company at the point desired by the Chambersburg, Greencastle & Waynesboro Street Railway Company would be extremely dangerous, and that use by the said company of the present crossing of the Chambersburg & Gettysburg Electric Railway Company would greatly increase the danger of operation to the owning company.

A date for hearing was fixed by the Commission in this matter, but prior to that time counsel for the petitioners and the respondents filed with the Commission a joint request that the hearing on the matter be postponed to a date to be fixed by agreement of the parties, or upon a failure to agree, to be fixed by the Commission. Further action postponed.

No. 39.

EDUARD SCHENK vs. PITTSBURG & LAKE ERIE RAILROAD COMPANY.

Complaint was made to the Commission in this case that the Pittsburg & Lake Erie Railroad Company was engaged in dangerous practice in connection with the loading of passengers in its main depot, city of Pittsburg, to wit:

The locking of doors of cars and keeping the same locked until the conductor had collected fares.

The complaint was sent to the respondent company with the request that it advise the Commission as to its practice and also as to its view upon the alleged danger thereon, and whether practice could not be avoided. The answer of the respondent company was that in order to facilitate loading it was the practice at its main terminal in Pittsburg, to lock one door of each car; that no danger resulted from this practice and that the doors of cars were unlocked as soon as the train left the depot. Complainant was notified of the answer of the company and advised that unless prepared to prove the danger of the practice and the fact that the practice was not as represented, the Commission could see no reason for further action in the matter. The complainant in reply advised that he was ready to produce proof that the practice was not as described by the company in its answer to the Commission.

Case pending.

No. 40.**JAMES C. QUINN vs. NEW YORK CENTRAL & HUDSON RIVER RAILROAD COMPANY.**

Complaint was made that the respondent company maintained passenger train service between Wellsboro, Pa., and Antrim, Pa., the former being the county seat of Tioga county; that the present schedule was such that persons traveling from Antrim to the county seat were unable to return the same day, and that this practice was the cause of great expense and inconvenience to the public.

Subsequent to the filing of this petition, the Commission received a complaint from the citizens of Wellsboro, Pa., embracing much the same matter, and these two complaints are now being jointly considered.

The answer of the respondent company has not yet been filed.

Case pending.

No. 41.**DON C. HALL vs. LAKE SHORE & MICHIGAN SOUTHERN RAILWAY COMPANY.**

Complaint was made that the respondent company charged the complainant a greater amount than the regular passenger fare for hauling private car, Oil City, Pa., to Stoneboro, Pa.

This matter was taken up with the general passenger agent of the respondent company, who admitted that an over-charge had been made, and ordered refund to complainant of the amount.

Case closed by adjustment.

No. 42.**ELUARD SCHENK vs. PENNSYLVANIA RAILROAD COMPANY and PITTSBURG AND LAKE ERIE RAILROAD COMPANY.**

Complaint made that the rate charged by the two respondent companies on shipment of dump wagons (knocked down) from Washington, Pa., to Coraopolis, Pa., was excessive, and that the two respondent companies were discriminating against shippers located in Washington, Pa. and Coraopolis, Pa.

The matter was taken up with one of the respondent companies, with the result that the amount of alleged overcharge was refunded to the shipper, and the case satisfactorily adjusted.

Case marked closed.

No. 43.

EDUARD SCHENK vs. CENTRAL DISTRICT & PRINTING TELEGRAPH COMPANY.

Complaint was that the charge made by the respondent company for desk telephone service or extension line was excessive; that the respondent company refused to permit connecting up with a private branch exchange where subscriber failed to use two or more trunk lines, this practice being alleged to be a discrimination; that the rules of the respondent company relative to the cancellation of telephone contracts and telephone service were arbitrary.

This case was sent to the respondent company for answer. The company denied that the charge made for extension or desk phone sets was excessive. It was admitted that the matter of refusing to permit subscriber connecting up with a private branch exchange was as represented, but the respondent set up in defense that at least two trunk lines were necessary in order to prevent congestion of traffic.

Relative to the third portion of the complainant's statement, it was denied that there was any arbitrary violation of contract, but that where contracts had been terminated, it was after the subscriber had deliberately broken the provisions thereof, and after notice, and in every instance, refund was made of the unearned portion of the rental.

It was further stated by the respondent company that a representative had called upon the complainant and made explanation to him as to the regulations of the company, and that it was the understanding of the respondent company that these explanations were satisfactory. The Commission communicated with the complainant as to the facts with regard to this and was advised that telephone service rendered by the respondent company to complainant had been cancelled; that if this service was renewed that portion of the complaint would be satisfactorily adjusted. This was subsequently done and the complainant so advised the Commission.

No. 44.

R. R. BOGGS, CHAIRMAN, RAILROAD COMMITTEE PENNSYLVANIA STATE DIVISION, TRAVELERS PROTECTIVE ASSOCIATION OF AMERICA vs. POTTSVILLE STREET RAILWAY COMPANY.

Complaint was made that the Pottsville Street Railway Company was charging a rate for the transportation of grips or packages, which was alleged to be unjust, unfair and in violation of the law.

The complainant in this case was advised that the matter was under the provisions of the act of April 22, 1907, P. L. 96.

No. 45.

A. NARDI'S SONS vs. PENNSYLVANIA RAILROAD COMPANY.

Complaint was made that the railroad company charged for a heavier weight per box on shipment of oranges from Williamsport, Pa., to Philadelphia, Pa., than was made on shipment of the same goods from California to Williamsport, Pa.; also that charge was made for freight on ice put on the car by complainant to protect the fruit.

Complainant was requested to submit additional data, paid freight bills, etc. It being determined thereby that the rate charged was in accordance with the published tariffs and classifications, the Commission advised complainant as follows:

"Inasmuch as there is no complaint made by you that the railroad charged more than its published tariffs, or that the charge for carrying ice was in violation of the published regulations, and inasmuch as there is no complaint that the rates are unreasonable or excessive, there appears to be nothing for the Commission to do in the matter."

Case dismissed.

No. 46.

WILLIAM SCHNEARLINE vs. BALTIMORE & OHIO RAILROAD COMPANY.

This complainant, a resident of Cleveland, Ohio, brought to the attention of the Governor of Pennsylvania, a statement that passenger coaches used by the Baltimore & Ohio Railroad Company on its through train service from Pittsburgh, Pa., to Washington, D. C., were not maintained in a proper sanitary condition.

This complaint was submitted to the respondent company, and its answer was that all the cars used in passenger train service were cleaned and the toilet rooms disinfected before leaving the depot, and that all coaches were fumigated at least once every thirty days, and every effort was made to maintain equipment in good sanitary condition.

Thereupon the complainant was advised that it was of the opinion of the Commission that the regulations of the railroad, as above described, were sufficient to prevent any recurrence of the situation complained about, and that, in view of this fact, the complaint was dismissed.

No. 47.

B. W. COOPER vs. ADAMS EXPRESS COMPANY.

This was a complaint that by reason of neglect on the part of the carrier a shipment of live chickens from Philadelphia, Pa., to Moorestown, N. J., was delivered in bad order, and a portion of the chickens had died en route, and that the carrier had refused to compensate the shipper for his loss.

It appearing that the matter complained about was an inter-state shipment, complainant was notified that it was without the jurisdiction of this Commission, and the matter should be referred to the Inter-State Commerce Commission.

Case dismissed.

No. 48.

HARRY E. BARTOW vs. PHILADELPHIA RAPID TRANSIT COMPANY.

Complainant brought to the attention of the Commission an allegation that the Philadelphia Rapid Transit Company had reduced the number of cars in service over its line operating between Front and Chestnut Streets, Philadelphia, and Darby, Penn'a; that by reason of such reduction of service there was insufficient accommodations furnished the public travelling by this route, and that frequently the total number of passengers carried was two or more times the seating capacity of the car.

Before taking this case up with the respondent company, the Commission had an employe make an investigation as to the character of service on this line. The Commission communicated with complainant to ask whether the opening service in the subway, operated by the same company had in any way ameliorated conditions, and in reply was advised that conditions had not improved; that cars placed in service via the subway were taken out of service via the surface route; that there was a difference of fare over the two routes, a higher rate being charged over the subway route. A copy of the complaint in this case was sent to the respondent company. Its answer was that there were four lines via which it was possible to travel between Philadelphia, Penn'a and Darby, Penn'a; that in the opinion of the respondent company a

sufficient number of cars to carry the traffic offered were in service, except possibly at what was known as the "rush period" of the day and that it was an impossibility to place sufficient cars in operation to cover this period. It was admitted that patrons of the subway line would not have the advantage of commutation tickets sold to patrons of other lines. The company maintained that this was justified by reason of the fact that faster and more complete service was involved.

Commission fixed time for conference with the parties in this matter. Complainant advised that he would not be represented.

Case pending.

No. 49.

WILKOFF BROTHERS COMPANY vs. PENNSYLVANIA RAILROAD COMPANY.

Complainant alleged overcharge on shipment of scrap material from East Pittsburg, Pa., to Monessen, Pa., routed via. Pennsylvania Railroad and the Pittsburg & Lake Erie Railroad.

Matter was taken up with the respondent company, with the result that it was adjusted to the satisfaction of the complainant.

Case marked closed.

No. 50.

ALVIN JONES vs. PENNSYLVANIA RAILROAD COMPANY and PHILADELPHIA & READING RAILWAY COMPANY.

Complaint was made that the joint rate maintained by respondent companies on trolley and railroad ties from Newport, Perry county, Pa., to Wycombe, Bucks county, Pa., were excessive, and that the rates to this point were greater than the rates of the same companies for shipments delivered via their own lines to the same points.

The answers of the respondent companies to this complaint were that the rates were excessive, and that if complainant would submit to them claim papers, covering amount of excess, refund would be made. Under the direction of the Commission this was done, and the case adjusted and the rates revised.

Case marked closed by adjustment.

No. 51.

OWEN M. BRUNER CO. vs. PHILADELPHIA & READING RAILWAY COMPANY.

Complaint was made that respondent company had furnished a quotation by telephone, later confirmed by letter, giving rate on lumber, car-loads, Jenkintown, Pa., to Fernwood, Pa., and that upon strength of such quotation shipment was ordered. Subsequent to the movement of shipment, complainant was advised that the quoted rate was incorrect, and a higher named. Order to ship was canceled, but car had already moved. Complainant requested refund of the difference between the rate quoted at the time shipment was ordered to move and the rate eventually charged. The answer of the railroad company was that the confirmation in writing of the rate quoted by telephone in this case, was due to an error on the part of the stenographer, the rate quoted being that to another destination of the same name, but located in another state; that it was satisfied that the shipper in this case had honestly accepted the rate quoted, and ordered movement, and that the mistake of the agent was honestly made, but that it preferred not to make any reparation unless upon recommendation of this Commission. Accordingly the following recommendation was made:

"The Commission recommends that the respondent company, the Philadelphia & Reading Railway Company, refund to the complainant the sum of seven dollars and seventy-eight cents (\$7.78), being the difference between the rate quoted, viz., 95 c. per net ton, and amount charged, viz., \$1.40 per net ton, and also being the amount in excess of the stipulated rates above referred to."

The railroad company indicated its intention to comply with the order of the Commission. Case closed.

No. 52.

CORRY HIDE & FUR COMPANY vs. PENNSYLVANIA RAILROAD COMPANY and ERIE RAILROAD COMPANY.

This complaint was to the effect that the regulations in force by the respondent companies, relative to the marking of goods in less than car-load lots, were burdensome and oppressive, these being that each separate package must be tagged.

The answers of each of the respondent companies set forth that existing regulations were made to enable them to conform with a rule of the Public Service Commission of New York, Second District, effective July 1, 1908, but there was proposed a modification of the said rule.

Correspondent with the Public Service Commission of New York, Second District, developed that a hearing was had on the proposed modification. Eventually regulation was modified, and the modifications put in force by both of the respondent companies.

Complainant was notified of the amended regulations of both of the respondent companies, and advised the Commission that this was a satisfactory adjustment of its complaint.

Case marked closed.

No. 53.

WILKES ROLLING MILL COMPANY vs. PENNSYLVANIA RAILROAD COMPANY.

Complainant in this case claimed that on a shipment of old boilers and stacks, billed by them as scrap, classification had been changed by the railroad company, and freight bills rendered at the rates for new materials.

The question was whether the commodity shipped was or was not scrap. It was directed that complainant be advised that, inasmuch as the dispute was with regard to the question of fact as to whether material shipped was or was not scrap, the subject was one for judicial consideration, rather than proceeding before the Commission.

Case dismissed.

No. 54.

CORRY HIDE & FUR COMPANY vs. PENNSYLVANIA RAILROAD COMPANY.

Complaint was made that a charge for demurrage had been improperly levied against the complainant company by reason of the fact that the officer of the respondent company, to whom report should have been made as to the loading of a car, was not at his place of business.

This case was taken up by the Commission with the respondent company in connection with another complaint made by the same parties, relative to the handling of freight consigned to it.

An adjustment satisfactory to the complainant was made by conference, and the cases ordered closed.

No. 55.**J. E. BRENNAN vs. ERIE RAILROAD COMPANY.**

Complainant, as Solicitor for the township of Fell, Lackawanna county, requested the Commission to investigate and make a recommendation relative to the safety appliances at a crossing over tracks of the Erie Railroad Company in the village of Simpson.

Upon the submission of a drawing showing the exact character of the said crossing, it was ascertained that at this crossing the tracks of the Scranton Street Railway Company crossed at grade the tracks of the Erie Railroad Company, and that there was also a crossing at grade over the tracks of the Erie Railroad Company by the public highway.

The complainant in the case was advised that, "after considering the same, the Secretary was directed to advise you that in the opinion of the Commission it is wholly without jurisdiction to take up the matter of regulation of this crossing from the stand-point of a public highway crossing, at grade, which seems to be entirely the ground of your complaint. It was further directed that if there were any difficulties in the crossing of the tracks of the railroad company by the street railway company, and that matter was properly brought to the attention of the Commission, the same could be taken up under Section XIV of the Act of May 31, 1907. Such complaint could be brought either by the street railway company or patrons thereof, with reference to the safety of travel on the cars of the company over this crossing or by the railroad company."

No. 56.**MACE & COMPANY vs. ADAMS EXPRESS COMPANY.**

This complaint was that an excessive charge had been made on shipment of goods consigned to the complainant. An investigation showed that the shipment complained of moved from New York, N. Y., to Connellsville, Penn'a.

This complaint was dismissed and the complainant advised to bring the same before the Interstate Commerce Commission, Washington, D. C.

No. 57.**WILLIAM S. FISHER vs. NORTHERN CENTRAL RAILWAY COMPANY.**

Complainant brought to the attention of the Commission the fact that the Northern Central Railway Company had erected on the public highway over which its tracks run through the borough of Dauphin a series of obstructions upon that portion which had for years been used for a wagon driveway, and

that by reason of such obstructions it was impossible to deliver heavy material to houses fronting on said streets.

There were two further suggestions in this complaint, one being that the railroad company operated its trains through the borough of Dauphin at a rate of speed which was in violation of the speed limit fixed by law; the other was that the railroad company operated trains on Sunday through the borough of Dauphin upon which other than perishable freight was handled and this was alleged to be in violation of the law.

At the conference at the office of the Commission, the complainant was advised that as to the matter of violation of the speed limit within the borough of Dauphin the power to remedy lay with the borough authorities. It was further advised that insofar as the hauling of other than perishable freight on Sunday was concerned, the Commission was not aware of any law fixing the character of freight that may be hauled on Sunday by a railroad company.

The other subject of the complaint was taken up with the railroad company.

No. 58.

W. W. SULLIVAN vs. THE PENNSYLVANIA RAILROAD COMPANY.

Complainant brought to the attention of the Commission complaint to the effect that the rate charged on shipment of brick, car-loads, Downingtown, Penn'a to Landenburg, Penn'a was excessive.

Upon investigation it was determined that no effort had been made by the complainant in this case to secure the issue of a commodity rate covering the shipment complained about; that, in the absence of such a rate, charge had been made on the basis of regular class rates.

No further action.

No. 59.

WILLIAM B. IRWIN vs. PHILADELPHIA & READING RAILWAY COMPANY.

Complainant requested Commission to make a recommendation providing for a change in the schedule over the Wilmington & Northern Branch of the respondent company's lines; also complaining that the service now being rendered was subject to frequent delays and great inconvenience to travelers.

Inquiry was made by the Commission as to whether change of schedule desired would be in the interest of the public service throughout the territory traversed by this branch, and what effect a change such as was petitioned for

would have on the service on other parts of the line. Complainant was advised that it was the rule of the Commission in considering cases of this character to ascertain the effect of the proposed changes on the general service on all parts of the line, and also whether the demand for change in schedule was supported by the public generally. After further correspondence, complainant was advised as follows:

That it was not apparent from the correspondence submitted that there was any general public demand for a change in this schedule, and that, if such public demand existed, it would seem proper that those uniting in the demand should join with the complainant in a petition for a change of service.

Case pending.

No. 60.

CITIZENS OF STATE COLLEGE vs. WESTERN UNION TELEGRAPH COMPANY.

John L. Holmes, and other citizens of State College, petitioned the Commission for the establishment at that point of a commercial telegraph station, setting forth that there was sufficient business to warrant the establishment thereof.

At the time of the filing of the petition there was no indication as to what line of telegraph the community wished to have service from. Eventually it was ascertained that the Western Union Telegraph Company had a line passing through the town, but had no office at that point, but that it did deliver messages by telephone from Bellefonte, Pa., and also received them by the same method.

This petition was sent to the Western Union Telegraph Company for answer. The answer of the company was that there was not sufficient revenue to warrant the establishment of a station at that point. After further correspondence the Commission fixed a date for hearing on this matter.

After a conference between the Commission and the parties to this complaint, an agreement was reached, providing for the establishment of a commercial telegraph station at this point.

No. 61.

LEON M. LEVY vs. ERIE RAILROAD COMPANY.

Complainant alleged that there was discrimination in the rates on anthracite coal from a point near Scranton, Pa., to New York City, N. Y. Complainant advised that the matter was beyond the jurisdiction of the Commission, and that the complaint should be made to the Inter-State Commerce Commission, Washington, D. C.

Case dismissed.

No. 62.**GEORGE PLUMER LEATHER COMPANY vs. THE BESSEMER & LAKE
ERIE RAILROAD COMPANY.**

Complainant in this case shipped from Mount Union, Penn'a., to Girard, Penn'a, a consignment of oak extract in barrels, and then reconsigned a portion of the freight from Girard, Penn'a, to Erie, Penn'a. The agent of the respondent company at Girard, accepted the freight with a notation that one package was leaking. On arrival of the reconsignment at Erie, it was found that two packages were leaking, and complainant asked a refund of freight on the amount lost, also the value of the goods. The answer of the respondent company was that, under the terms of the contract as shown by the bill of lading, it was under no responsibility, but that its agent at Girard, Penn'a, should not have accepted that portion of the shipment reconsigned to Erie without requiring the defective package be placed in safe condition.

By way of adjustment the Commission suggested that there was no responsibility on the part of the respondent company as to the package marked "leaking" at the time of arrival at Girard from Mount Union and reconsigned to Erie, Penn'a., but as to the second package the respondent company was liable, and the Commission, therefor, suggested that the claim be adjusted by the payment of one-half the amount claimed. This adjustment was reached and the case was marked "closed by adjustment."

No. 63.**D. H. WYANT vs. BUFFALO & SUSQUEHANNA RAILWAY COMPANY.**

Complaint of alleged overcharge on shipment of household goods, Covode, Penn'a. to Peale, Penn'a. Complainant further desired to be informed whether it was necessary to present this matter before the Commission before proceeding at law. Advised that a remedy was open to complainant in an action at law, and it was not necessary to present the claim to the Commission before proceeding.

No. 64.**CORRY HIDE & FUR COMPANY vs. THE PENNSYLVANIA RAILROAD
COMPANY.**

This was a claim that the practice of the Pennsylvania Railroad Company in handling hides at its freight station at Corry, Penn'a., had resulted in the

mixing of consignments for complainant with those of other companies and a consequent loss to complainant.

After corresponding with the respondent company, this case and No. 54 were taken up for adjustment. The railroad company sent an agent to meet with complainant; both parties eventually advised the Commission that a satisfactory adjustment had been reached.

No. 65.

GEORGE S. DANA, SECRETARY, COMMERCIAL TRAVELERS' MUTUAL ACCIDENT ASSOCIATION vs. THE PENNSYLVANIA COMPANY.

This was a claim that the respondent company refused to issue a through baggage check from a point on its own line west of Pittsburg to a point on the line of the Pennsylvania Railroad Company east of Pittsburg, when mileage books good over each of these lines were presented at the point where the journey began. The specific instance complained of was an effort to check a trunk from Cleveland, Ohio, to Harrisburg, Penn'a. Answer of the respondent company to this matter was that its practice was as represented by complainant, and that this practice was based on the claim that to honor a combination of mileage tickets, or such tickets in connection with a local ticket, (either for checking baggage or the sale of through sleeping car tickets) from a point west to a point east of Pittsburg would result in a reduction of the regularly established through fare, and amount to an illegal discrimination in favor of holders of such mileage tickets. The instance upon which this complaint was based having been an inter-State movement, and, therefore, beyond the jurisdiction of the Commission, the Commission advised complainant that, if he, or a representative of the traveling men of the country, would make a complaint based on an instance entirely within the State, the Commission would take the matter up and grant a hearing on the same.

No. 66.

DITZ AND MOONEY HARDWARE COMPANY vs. PITTSBURGH, SUMMERVILLE AND CLARION RAILROAD COMPANY.

Complainant alleged that he was overcharged on a shipment of sand, Falls Creek, Penn'a., to Clarion, Penn'a., freight rate being about twice the value of the commodity shipped. Further complainant alleged that other parties were receiving a better rate than that charged complainant. This matter was

taken up not only with the company named in the complaint, but also with connecting road, the Pennsylvania Railroad. Investigation developed that the lower rate referred to by complainant covered crushed stone and not sand; also that a portion of the charge complained about was due to the fact that the shipment originated on the tracks of the Buffalo, Rochester & Pittsburg Railroad, and there was a transfer shipping charge in addition to the regular joint rate.

Complainant was advised of the facts developed by the investigation of the Commission; also of the claim of the respondents that the rate charged for this shipment was not materially greater than the average rate for the same length of haul; and that it was customary in the issuance of commodity tariffs to make a lower rate on crushed stone than on sand. Complainant was advised that if it desired a hearing on the matter and wished any further information, the Commission would be pleased to proceed on receipt of reply. Communication unanswered.

No. 67.

RAILROAD COMMISSION OF NEW JERSEY vs. NEW YORK, SUSQUEHANNA & WESTERN RAILROAD COMPANY.

The Board of Railroad Commissioners for the State of New Jersey brought to the attention of this Commission a copy of report made by its engineer of bridges after an examination of the condition of bridge 96.88 of the New York, Susquehanna & Western Railroad Company, which bridge crosses the Delaware river near Delaware Water Gap.

This matter was taken up in the form of a complaint relative to the safety of bridge and communication had with the railroad company. Upon being advised by the railroad company that it "did not regard the condition of bridge as such as would warrant renewal at the present time, and that certain operating rules were being enforced which would make it safe," this Commission, by arrangement with the Board of Railroad Commissioners for the State of New Jersey, appointed an engineer to make a complete examination, together with the engineer of bridges of the New Jersey Commission. A joint report was filed by these engineers, stating fully the condition of bridge, and making certain recommendations relative to the placing of same in safe condition for operation. The text of these recommendations was made the subject of a recommendation by this Commission to the Railroad Company, this action being taken jointly with the Board of Railroad Commissioners for the State of New Jersey. Subsequently the railroad company requested the Commission to reconsider the recommendation of its inspector. In connection therewith the respondent company submitted report of a consulting engineer employed by it. As a result of this petition for revision of recommendation, engineers representing the Board of Railroad Commissioners for the State of New Jersey and this Commission held a joint conference in Philadelphia, Pa., at which time a tentative agreement was reached between engineers representing the two commissions and the railroad company as to the improvements neces-

sary in order to place the bridge in safe condition for operation. Awaiting receipt from the railroad company of complete plans and drawings, showing the character of work proposed to be done, this matter is still pending.

No. 68.

R. R. BOGGS, CHAIRMAN, RAILROAD COMMITTEE, PENNSYLVANIA STATE DIVISION, TRAVELERS PROTECTIVE ASSOCIATION OF AMERICA vs. HUNTINGTON & BROAD TOP MOUNTAIN RAILROAD AND COAL COMPANY.

Complaint was made to the Commission that the Huntington & Broad Top Railway Company was charging three cents per mile for the transportation of passengers.

Complainant was advised that the provisions of the act of April 15th, 1907, fixing the maximum amount which a railroad company might charge for the transportation of any passenger or person at two cents per mile, made special provision that the penalty for the violation of the act was payable to the county and was recoverable by the county where such illegal charge was made, and that, therefore, the enforcement of the act was without the jurisdiction of the Commission.

Complainant was further advised that the Commission could receive a complaint that the rates of fare are excessive, and after investigation make recommendation.

This communication was unanswered.

No. 69.

A. V. KAISER & COMPANY vs. BALTIMORE & OHIO RAILROAD COMPANY.

Statement was made to the Commission that the Baltimore and Ohio Railroad Company maintained near Holmes Station, Delaware county, Pa., a grade crossing which was a source of great danger to residents and travelers. Also that it was frequently the custom of this company to allow trains to remain standing on this crossing for a considerable length of time, greatly impeding traffic. Request was made for information as to the law on this subject. The Commission called attention to the act of March 20, 1845, P. L. 191, and to the decisions of the courts thereunder.

No. 70.**MILLER ORGAN & PIANO COMPANY vs. PHILADELPHIA & READING RAILWAY COMPANY.**

This complaint was that the respondent company charged a rate of \$1.25 per ton on shipments of coal from Inwood to Lebanon, a haul of about twelve miles.

The complainant in this case was sent the proper forms for the purpose of filing formal complaint, but as this has not been done, complaint was dismissed.

No. 71.**OAK RIDGE COAL & COKE COMPANY vs. COAL & COKE RAILWAY COMPANY, OF ELKINS, WEST VIRGINIA.**

This was a complaint regarding per diem allowance for service of cars between points within this State to points outside of the State.

Complainant was advised that this claim was not a matter in which this Commission could take jurisdiction, but, being an inter-State matter, should be brought to the attention of the Inter-State Commerce Commission, Washington, D. C.

No. 72.**PITTSBURG METAL BRAZING COMPANY vs. PENNSYLVANIA RAILROAD COMPANY.**

Complaint was made that the Pennsylvania Railroad Company had improperly classified a shipment of metal housings, Wheeling, W. Va., to Pittsburg, Pa., and that by reason of this classification the complainant had been overcharged.

This case was dismissed with the advice to complainant, that the shipment in question having been an inter-state movement, the matter was without the jurisdiction of the Commission. The complainant was advised to present the same to the Inter-State Commerce Commission, Washington, D. C.

No. 73.**MAX SOLOMON vs. THE PENNSYLVANIA RAILROAD COMPANY.**

Complaint was made that an overcharge had been made on two cars of scrap iron, Latrobe, Pa., to Glassport, Pa.

After considering the same, the complainant was advised that the matter of dispute as to the correctness of a bill, for the carrying of freight, was not one for consideration by the Commission, but should properly go to the courts.

No. 74.**JOHN C. WELLER, ET AL. vs. PENNSYLVANIA RAILROAD COMPANY.**

Complaint was made to the Commission by a committee representing discharged employes of the Pennsylvania Railroad Company that they were entitled to a return of the amounts paid by them into the Voluntary Relief Association, conducted under the direction of the respondent company. It was stated that the company required before employing, that every applicant for employment should pass an examination; also required all persons to sign a waiver of claims on the relief fund, and that the company deducted out of pay of employes regular sums per month, and that there was nothing on the pay check to show the amount of deduction for the purpose.

This complaint was dismissed for want of jurisdiction, with the following advice to complainants:

"The Pennsylvania State Railroad Commission had presented to it your complaint relative to the matter of Pennsylvania Railroad Voluntary Relief Department.

"The Act of Assembly creating this Commission, at Section VII, defines the power and authority of the Commission and, aside from the specific powers delegated to it, generally gives it authority on 'All matters incident to the performance of their (common carriers) public duties.'

"In the opinion of the Commission this section does not give it authority to investigate questions arising between common carriers and their employes."

No. 75.**I. H. DICKINSON ET AL. vs. PENNSYLVANIA RAILROAD COMPANY.**

E. M. GILBERT, for Complainants.

GEORGE STUART PATTERSON and **WM. I. SCHAFFER**, for Respondents.

Complainant, by counsel, brought before the Commission a petition, setting forth that the Pennsylvania Railroad Company maintained a line of railroad, known as the Atglen & Susquehanna Branch, passing through the borough of Quarryville, where complainants resided, and that they had never established any station or received and delivered any freight at that point, or handled any freight or passengers over the said line. It was further maintained that by reason of the failure of the respondent company to maintain a station and undertake the handling of freight or passengers, that petitioners were forced to ship their goods and to deliver by way of Lancaster, to Philadelphia and all points east of Lancaster, which caused a great increase of expense.

The answer of the railroad company admitted that it had not established any station or received or delivered or handled any freight or passengers at Quarryville, on its low grade line, and denied that to do so would be an advantage or convenience to the complainants, or the public in general. A conference between the representatives of the respondent company and complainants, together with their counsel, was held at the Borough of Quarryville, on November 7th, 1908, the same having been suggested by the Commission, and, as result thereof, an adjustment of the complaint of Aument & Company et al. against the Pennsylvania Railroad, and I. H. Dickinson et al. against the Pennsylvania Railroad Company, was reached. Counsel for complainants in both cases so advised the Commission, and requested that no further action be taken on the complaints.

The Pennsylvania Railroad Company, having filed with the Commission an agreement to put in force, effective January 1st, 1909, rates in accordance with this agreement, this case was marked closed by adjustment.

No. 76.**F. L. FERRELL vs. BALTIMORE & OHIO RAILROAD COMPANY.**

Complainant communicated to the Attorney General of Pennsylvania a complaint that the train service maintained by the respondent company on its Somerset & Cambria Branch was inadequate for the territory served in and about Boswell, Pa. Upon receipt of this matter from the Attorney General's Department, the Commission took the same up with the railroad company, and was advised that in connection with the revision of schedule, additions had been made to the passenger service on the branch line above referred to, which would materially increase the service afforded Boswell and sur-

rounding territory. Complainant was advised of this proposed improvement of service and the case marked closed.

No. 77.

**ARTHUR G. R. HEAL vs. DELAWARE, LACKAWANNA & WESTERN
RAILROAD COMPANY.**

This was a complaint that the Delaware, Lackawanna & Western Railroad Company had refused to refund a deposit of five dollars (\$5) made in connection with the purchase of interchangeable mileage ticket No. 793,750. It developed upon investigation that the terms of the contract between the railroad company and the purchaser of ticket provided that a refund of five dollars (\$5) would be made if the ticket were surrendered within eighteen months from the date of issue. It further developed that a ruling had been made by the Inter-State Commerce Commission that it was illegal to depart from the terms of a contract of this kind, and that this ruling was the basis of the railroad company's refusal to make refund. The complainant was advised that the case was dismissed for reason that the Commission had no authority to vary the contract made by him with the railroad company at the time of purchase of the said ticket.

No. 78.

E. P. HENWOOD, ET AL. vs. LEHIGH VALLEY RAILROAD COMPANY.

Petitioner, and a number of citizens of Skinners Eddy, Laceyville, Meshoppen, South Auburn, and other communities in Wyoming, Bradford and Susquehanna counties, asked the Commission to recommend the re-establishment by the Lehigh Valley Railroad Company of a station formerly located at Skinner's Eddy, Wyoming county, Pennsylvania.

The answer of the railroad company to this complaint was that prior to April 1st, 1901, a station was maintained at Skinner's Eddy, Pa., and used by that community, together with the residents of section across the Susquehanna river from that point, the latter having access by means of a ferry; that station had been abandoned for the reason that one mile distant from this point, at Laceyville, Pa., a bridge over the Susquehanna river had been erected, while the ferry across the same river at Skinner's Eddy, Pa., had been abandoned. It was further averred that Skinner's Eddy was a very small settlement and that the country surrounding it was thinly populated and that conditions did not justify any passenger or additional freight train service

at that point. The station at Laceyville, Pa., afforded ample accommodations for the general public in that vicinity, and was within easy and comfortable reach of Skinner's Eddy. The reply of the railroad company was sent to counsel for complainants, with the advice that on receipt of information from him relative to his desire for a hearing, the Commission would proceed in the matter.

Case still pending.

No. 79.

J. B. SAMPSON vs. BALTIMORE & OHIO RAILROAD COMPANY AND THE PITTSBURG & LAKE ERIE RAILROAD COMPANY.

Complaint was made to the Commission that the Baltimore & Ohio Railroad Company had in force a rate of thirty cents per ton on coal, car loads, from Scott Haven, Pa., to West Newton, Pa., a distance of five miles, whereas, the Pittsburg & Lake Erie Railroad Company between the same points and on the same commodity, had a rate of ten cents per ton.

The answer of the Baltimore & Ohio Railroad Company to this complaint was that the published rate referred to applied not only from a single mine located at Scott Haven, Pa., but from all the mines in what is known as the Scott Haven district, the total number being thirteen, all lying between Emblem, Pa., and Eureka, Pa., along the main line of its Pittsburg Division and the Adamsburg Branch; that the average distance from these mines to West Newton, Pa., was approximately eight miles, and that in view of the service performed in connection with the traffic, the rate was reasonable. It was further stated that it was the practice in the handling of coal to group mines and to make rates by groups.

The reply of the Pittsburg & Lake Erie Railroad Company to the complaint was that the published rate of ten cents per ton between these points was due to an error, and that the same had been in effect but a few weeks, and that the rate had been for years thirty cents per ton over its lines.

Complainant was advised of replies of the railroad companies and of the fact that the difference in rates was due to an error which had been corrected and that rates on both of the above named lines between Scott Haven and West Newton, Pa., were uniform.

No. 80.

G. A. SWAN vs. THE PENNSYLVANIA RAILROAD COMPANY.

Complainant stated that the Pennsylvania Railroad Company maintained at Phillipston, Pa., a station and used a box car for this purpose, that stub-switches ran from the main line to each end of the box car, and that, by

reason of failure to erect and maintain a proper bumping post, cars were frequently pushed over ends of stub-switches and into the station, damaging structure and placing passengers in danger. It developed upon investigation that this dangerous practice had been brought to the attention of the railroad company and steps taken to remedy the same. The complainant was, therefore, advised that if the company failed to fulfill its promise to stop this dangerous practice, the commission would take the matter up.

No. 81.

MAUSER & CRESSMAN vs. CENTRAL RAILROAD COMPANY OF NEW JERSEY.

Complaint was made that the Central Railroad Company of New Jersey had charged a greater rate on flour from Catasauqua, Pa., to Elizabethport, N. J., than the published rate from Catasauqua, Pa., to Jersey City, N. J., a point beyond.

Complainant advised that, inasmuch as the matter complained about was a movement of inter-State commerce, this Commission had no jurisdiction, and that its complaint should be addressed to the Inter-State Commerce Commission, Washington, D. C.

Case dismissed.

No. 82.

WILKOFF BROTHERS COMPANY vs. PENNSYLVANIA RAILROAD COMPANY.

Complaint was made that on a shipment of scrap from Pitcairn, Pa., to Brackenridge, Pa., an overcharge had been made by reason of the fact that two movements had been charged for.

Complainant purchased from the Pennsylvania Railroad Company a car-load of scrap, which was loaded at Pitcairn shops; the railroad company claiming that it was entitled to make charge for movement of this scrap from Pitcairn shops to Pitcairn station, and that as the movement from Pitcairn station to Brackenridge, Pa., was in the opposite direction, it was entitled to re-consignment charge and full tariff rates between the last named points.

The question was whether the movement from Pitcairn shops to Pitcairn station was authorized by the purchaser of the freight.

It developed, upon investigation, that the instructions of the purchaser of

scrap to the railroad company were, that when loaded the freight was to be delivered to the Pennsylvania Railroad Company's agent at the shops. It further developed that the agent of the Pennsylvania Railroad Company at the shops was also the agent at Pitcairn station; that on the same date that shipper was advised that the car was loaded, he instructed the same to be forwarded to Brackenridge, Pa., at the lowest possible rate.

Under the circumstances, the Commission, being of the opinion that the movement charged for from Pitcairn shops to Pitcairn station, and re-consignment charges, were overcharges, recommended that the same be refunded.

No. 83.

ALBERT D. COOKE vs. PHILADELPHIA RAPID TRANSIT COMPANY.

Complaint was made that it was the intention of the Philadelphia Rapid Transit Company to make certain changes in the use of their package or strip tickets; also placing certain limitations upon its exchange tickets.

Complainant was advised by the Commission that "in view of the fact that the complaint is based upon a prospective action of the traction company, the Commission deems it advisable to await such action before determining what its course will be relative to this complaint." Eventually the Philadelphia Rapid Transit Company did put in force the revised regulations which the complainant brought to the attention of the Commission, but shortly after doing so the old practices with regard to package or strip tickets were revived. Complainant was advised of this fact by the Commission, and also that there remained but one portion of his complaint for consideration, this being the regulation fixing a time limit of one hour on exchange tickets. Complainant was further advised that a hearing would be arranged on this matter by the Commission, although it did not regard the time limitations on exchange tickets as an increase of fare or violation of the contractual engagements of the company, as set forth in his complaint. Eventually the complainant requested a hearing, and in doing so added to his complaint the matter of the Philadelphia Rapid Transit Company refusing to accept exchange or package tickets for transfers.

This case was sent to the respondent company for answer.

No. 84.

KISTLER, LESH & COMPANY vs. NEW YORK CENTRAL & HUDSON RIVER RAILROAD COMPANY.

This complaint was that the New York Central & Hudson River Railroad Company had a station located in the village of Castanea, Clinton county, Pa., about one mile outside the city limits of Lock Haven, Pa., and that the railroad company called the station Lock Haven.

The complaint further set forth that, by reason of this fact, consignors frequently shipped freight to Lock Haven, Pa., via the New York Central & Hudson River Railroad, with the result that consignees were put to the expense of drayage to their plants located within the city of Lock Haven, thereby adding to the cost of the freight.

The answer of the respondent company admitted that it did maintain a station styled Lock Haven, which was located outside of the city limits of Lock Haven, and within the limits of the town of Castanea, but stated that the station was thirty-five hundred feet from the station of the same name on the line of the Pennsylvania Railroad Company. It was further stated that this station was the nearest point on the line of the respondent company to the city of Lock Haven proper. The respondent company further set forth that a change in the name of the station would be detrimental to the company in the transaction of its business, and would meet with very serious opposition from many shippers and consignees located both within and without the limits of the city of Lock Haven and in the vicinity of the station referred to.

Complainant was advised of respondent's answer and was asked to inform the Commission what quantity of business in addition to its own had been misled by such naming of this station, and whether or not other business men or merchants of Lock Haven would join in the complaint. This communication is as yet unanswered.

Case pending.

No. 85.

EMANUEL GLOSSER vs. BALTIMORE & OHIO RAILROAD COMPANY.

Complainant in this case alleged two overcharges in connection with certain shipments; also, that an excessive rate was being maintained.

Papers in this case were sent to respondent company for answer.

Case pending.

No. 86.

MESTA MACHINE COMPANY vs. DELAWARE, LACKAWANNA & WESTERN RAILROAD COMPANY.

Complainant in this case, entered into a contract with the respondent company to furnish certain machinery to be delivered at Kingston, Penn'a. One provision of the contract was that the complainant was to pay the cost of

freight on this machinery to the tracks of the Delaware, Lackawanna & Western Railroad Company, but did not state specifically the junction point at which delivery was to be made to the respondent company. When the material was ready for shipment, the respondent company requested that the same be routed by the way of the Pennsylvania Railroad tracks, to Northumberland, Penn'a, making connection there with the tracks of the Delaware, Lackawanna & Western Railroad, and should be billed through to Kingston, Penn'a. The through rate from Homestead, Penn'a to Kingston, Penn'a, over certain lines was sixteen cents; the local rate Homestead, Penn'a, to Northumberland, Penn'a via the Pennsylvania Railroad, was fifteen cents. The complaint was that the Delaware, Lackawanna & Western Railroad refused to make settlement except on the basis that complainant should stand the freight from Homestead to Northumberland, Penn'a, at the local rate. It was further stated that respondent claimed that to make settlement on the basis of per centage or the actual amount which the respondent company advanced to the Pennsylvania Railroad Company would be contrary to law. Complaint further made was that the respondent sought to compel the complainant to absorb an unjust proportion of the freight under the contract.

Complainant was advised in this case that the subject complained about was a contract between vendor and vendee and not between carrier and shipper, and that properly it should be interpreted by the courts, but that in so far as the Commission was able to determine from the statement of the case, no discrimination was involved.

No. 87.

GEO. W. GUTHRIE, MAYOR, vs. STREET PASSENGER RAILWAY COMPANIES OF PITTSBURG.

The Mayor of the City of Pittsburg transmitted to this Commission resolution 850 of Common Council of the City of Pittsburg, adopted October 26, 1908, which reads as follows:

"RESOLVED. That the Mayor be requested to ask the Pennsylvania State Railroad Commission to investigate forthwith the sanitary condition of the cars of the Street Passenger Railway Companies of the City of Pittsburg, and its method of transporting passengers, and that the Mayor report any information he may obtain relative to the same to councils.

In Common Council, October 26th, 1908.
Read and Adopted.

(Signed) WILLIAM BRAND,
President of Common Council.

Attest:
ROBERT CLARK,
Clerk of Common Council."

The Commission requested and received additional information to the effect that the complaint as to the sanitary condition of cars had to do principally with over-crowding. Subsequently, the Commission decided to have an inves-

tigation made by one of its own members, and, to this end, delegated Commissioner John Y. Boyd for this work, notice being given to the Mayor of the City of Pittsburg, as well as the president of the respondent company. After receiving report of Commissioner Boyd the Commission decided to have a thorough investigation made of the traction situation in the city of Pittsburg, and for this purpose has employed the Stone & Webster Engineering Company, of Boston, Mass.

This examination is now in progress.

No. 88.

THE WILKOFF BROTHERS COMPANY vs. BALTIMORE & OHIO RAILROAD COMPANY.

Complaint was made to the Commission that the Baltimore & Ohio Railroad Company was charging a greater rate between two points than was made from the next station beyond.

Upon investigation it developed that complaint had to do with shipments between Edensburg, Penn'a and Youngstown, Ohio, and between Carbon, Penn'a and Youngstown, Ohio.

The movements being interstate the complaint was dismissed with the suggestion that the same be brought to the attention of the Interstate Commerce Commission.

No. 89.

C. MARDORF & SONS vs. THE PENNSYLVANIA RAILROAD COMPANY.

This was a complaint that the Pennsylvania Railroad Company, Conemaugh Division, refused to handle rough tallow between Butler, Penn'a and Cheswick, Penn'a, except in carload lots. Complainant further stated that he had been advised by the railroad company that this material injured their merchandise freight. Complainant further set forth that the refusal of the company to handle rough tallow applied only to shipments originating at Butler, Penn'a, and that by reason of this action the complainant had suffered loss of trade and damage.

The matter was taken up with the railroad company and the Commission received in reply advice that orders had been issued to discontinue accepting small lots of scrap fat during the hot weather because of the difficulty experienced in loading this with other materials when shipped in less than car-load lots; that action was taken locally on the Conemaugh Division and that the order had been rescinded November 7, 1908.

Complainant was advised of this adjustment and the case marked closed.

No. 90.**PHILADELPHIA COMPANY vs. BUFFALO, ROCHESTER & PITTSBURGH RAILWAY COMPANY.**

Complaint was made that the Buffalo, Rochester & Pittsburgh Railway Company had accepted at Shelocta, Pa., a shipment of old gas-well casing, consigned to 26th St., Pittsburgh, Pa.; that the same had been delivered by the original carrier to the Pittsburgh & Lake Erie Railroad Company and carried by the latter company to its terminal, South Side, Pittsburgh, and that in order to secure delivery of this shipment to 26th Street it was necessary to pay an additional freight charge to the Pennsylvania Railroad Company in order to have the car moved from the yards of the Pittsburgh & Lake Erie Railroad Company to 26th Street.

Investigation developed the fact that the Buffalo, Rochester & Pittsburgh Railway Company did not have in force through rates from Shelocta, Pa., to Pittsburgh 26th Street Station, P. R. R. delivery, and that it was not the understanding of the company, or its agent, at the time the shipment was accepted, nor was it so stated on the bill-of-lading, that shipment was to proceed to Pittsburgh 26th Street Station, and to secure P. R. R. delivery.

Complainant advised that unless prepared to sustain the claim that there was an agreement with the agent of the respondent company for this delivery, the case would be dismissed.

No. 91.**J. GIBSON McILVAIN & COMPANY vs. LANCASTER STORAGE COMPANY.**

This was a complaint on a shipment of lumber unloaded at Lancaster, Pa., and stored with the respondent company, on which an overcharge was alleged.

Complainant was advised that this matter was not properly a subject for the consideration of this Commission, as under the Act creating the same it was without jurisdiction.

Complaint dismissed.

No. 92.**WILLIAM H. GLADWIN vs. PHILADELPHIA RAPID TRANSIT COMPANY.**

JOHN McCLINTOCK, JR., for Complainant.

Complaint in this case was taken up by counsel for complainant with the Commission, alleging that the Philadelphia Rapid Transit Company had placed

into effect a regulation with regard to the use of "package" or "strip" tickets, which was unjust, unreasonable, discriminatory, unfair and prejudicial; that the same was in violation of a contract made between the said Philadelphia Rapid Transit Company and the city of Philadelphia, and constituted an increase in fare; that said act was against public policy and in violation of law.

By reason of the withdrawal on the part of the Philadelphia Rapid Transit Company of the regulation complained of, complainant gave notice to the Commission that he wished to withdraw his complaint. Complaint was dismissed in compliance with the request of complainant.

No. 93.

D. B. HARPER, III, vs. PHILADELPHIA RAPID TRANSIT COMPANY.

Complaint was made to the Commission that the Philadelphia Rapid Transit Company discriminated against patrons of its road in the matter of passenger fares charged on those portions of the routes of cars running partly over surface lines and partly by way of the subway maintained by this company, by reason of the fact that on cars travelling throughout over surface routes tickets sold at the rate of six (6) for 25 cents were accepted for fares, but on those lines using part surface and part subway, the company refused to accept such tickets for travel over the surface portions of the routes.

The answer of the Philadelphia Rapid Transit Company set forth that there was no discrimination; that by reason of conditions governing the making and collection of passenger fares it was impossible to accept commutation tickets on certain portions of routes of cars travelling via the surface and subway, and not accepted them for travel on other portions of said routes; that the service rendered to patrons using the subway-surface routes was longer and faster; that to install a system such as is requested by the petitioner would require the establishment of a "zone" system, and seriously inconvenience and upset the existing transportation conditions to the detriment of the public service. The company further set forth that the question of rates of fare over its lines was one governed by a contract between it and the city of Philadelphia, as expressly authorized by an Act of the legislature of Pennsylvania and, therefore, the question was one that could be dealt with only by the city of Philadelphia.

Case pending.

No. 94.

WILLSON BROTHERS LUMBER COMPANY vs. PITTSBURG, SHAW-MUT & NORTHERN RAILROAD COMPANY.

Complainant set forth that in April, 1907, it had been charged more for a shipment of lumber from St. Marys, Pa., to Fayette City, Pa., than the published

rate between St. Marys, Pa., and Brownsville, Pa., Fayette City being intermediary between the two points last named.

Commission advised that, inasmuch as the matter complained about had arisen prior to the date of the Act creating the Commission, it was the practice of the Commission not to take cognizance of matters arising prior to January 1, 1908, the date when the said act went into effect.

No. 95.

STONEBORO & CHAUTAUQUA LAKE ICE COMPANY vs. LAKE SHORE & MICHIGAN SOUTHERN RAILWAY COMPANY.

This complainant had under an old contract secured a switching connection from its plant to the tracks of said railroad company, complainant bearing the expense of installing the same, but switch remaining the property of the railroad company. After the expiration of this contract, the railroad company fixed the rental of \$50.00 per year for renewal. Complainant desired to be informed whether or not this charge was legal.

The Commission requested of complainant a copy of original contract, and, also, copy of proposed contract. There has been no reply to this communication.

No. 96.

PHILADELPHIA & CONSHOHOCKEN STONE QUARRY COMPANY vs. BALTIMORE AND OHIO RAILROAD COMPANY and PHILADEL- PHIA & READING RAILWAY COMPANY.

Complainant brought to the attention of the Commission the following facts: that the Philadelphia and Reading Railway Company maintained a rate on stone between West Conshohocken and Philadelphia (distance 13.6 miles) of 50 cents per ton; that the Baltimore & Ohio Railroad Company maintained a rate between Leiper and Lewis Landing, Penn'a, and Philadelphia (distance 13 miles) of 40 cents per net ton on stone; that the difference in rates over the two roads amounted to about one-fourth of the value of the commodity. The intervention of the Commission was requested in order that there might be an equality of rates, either by lowering the rate over the Philadelphia & Reading Railway, or increasing the rate over the Baltimore & Ohio Railroad. The answer of the Philadelphia & Reading Railway to this complaint was that the facts stated were correct; that the rate charged by the Philadelphia & Reading Railway Company was not excessive in view of the fact that the rate included track delivery within the city limits, while the deliveries of the

Baltimore & Ohio Railroad under its rate were extremely limited and of less public value; that the rates of the Philadelphia & Reading Railway Company, should not be measured by those of a rival company, being made under dissimilar circumstances and conditions.

The answer of the Baltimore & Ohio Railroad Company has not yet been received.

No. 97.

A. C. DANIELS vs. PENNSYLVANIA RAILROAD COMPANY and BALTIMORE & OHIO RAILROAD COMPANY.

This complaint brought to the attention of the Commission the following facts: that on a shipment of coal originating on the lines of the Baltimore & Ohio Railroad, and destined to a point on the line of the Pennsylvania Railroad, charge had been made by the first named railroad at a rate based on a unit of two thousand pounds per ton, while the charge of the Pennsylvania Railroad was at a rate based on a unit of twenty-two hundred and forty pounds per ton. It was further stated that the Pennsylvania Railroad made a charge of seventy-five cents per gross ton on coal, Hyndman, Pa., to Younts Station, Pa., whereas the rate of the same company from State Line, Pa., to Bedford, Pa., was fifty cents, the former haul was stated to be twenty-seven miles, while the latter thirty-one miles. It was claimed that this was in violation of the provisions of the statute respecting long and short haul charges.

The answer of the Baltimore & Ohio Railroad to this complaint was that it had long been the practice to make rates on bituminous coal destined to Cumberland Md., and points west thereof on two thousand pounds per ton basis, while rates on the same commodity to seaboard territory, including stations east of Cumberland, Md., were based on a twenty-two hundred and forty pounds per ton basis; that this difference in basis was brought about by the various requirements of the trade and established customs in different sections, as well as the practice of railroads serving competing territory; that if the rates to points west of Cumberland, Md., were to be based on a twenty two hundred and forty pound unit, they would naturally be higher than the present rates.

The answer of the Pennsylvania Railroad Company set forth that the rates quoted by complainant were correct; that this company maintained from three points on its Bedford Division a uniform rate on coal to Bedford, Pa., for the following reasons:

That at Hyndman, Pa., it received shipments from the Baltimore & Ohio; that at State Line, Pa., it received shipments from the Georges Creek & Cumberland and Cumberland & Pennsylvania Railroads; that at Cumberland, Md., it received shipments from the Western Maryland Railroad; that the rates were made the same from all three junction points in order that the operators of coal mines on the line of connecting roads might be placed on a parity. It was further set forth that, while the distance from Hyndman, Pa., to Younts, Pa., was less than the distance from State Line, Pa., to Bedford, Pa., at the same time the rate between the points first mentioned was higher than the

rate between points second named, in no way violated the provisions of the Act of the Legislature of Pennsylvania, approved by the Governor May 31, 1907, P. L. 255, for the reason that a movement from State Line, Pa., to Bedford, Pa., was not in the strict sense an intermediate movement to the movement from Hyndman, Pa., to Younts, Pa.; that in addition, the rate between the points last named included a movement over a branch line, involving additional expense. It was further set forth that the rate from Hyndman, Pa., applied to traffic originating within the State of Pennsylvania and destined to points within the State of Pennsylvania; the rate from State Line, Pa., and Cumberland, Md., could only be applied on traffic originating without the State of Pennsylvania.

The Commission dismissed this complaint, advising complainant as follows:

"1st. That the standard weight of a ton of bituminous coal, as established by the act of May 18th, 1878, is two thousand pounds; that coal rates on the Baltimore & Ohio Railroad are adjusted upon that basis, and that if a change was made from that basis to twenty-two hundred and forty pounds per ton, a corresponding increase would be made in the rates, so that no benefit would accrue to the shipper from any such change in the ton basis.

"2nd. That the provisions of the statute respecting the long and short haul charges is that the charge for delivering property at any station shall not exceed that for the same class of property carried in the same direction to any more distant station. Whereas, your complaint is that the charge for the carrying to a station beyond Bedford was greater than that for transportation to Bedford—practically the reverse of the statutory provision.

"Moreover that the statute provides its own remedy, which is an appropriate proceeding either at law or equity at the instance of the Commonwealth, or a prosecution in a criminal proceeding.

"Under these circumstances, the Commission is of the opinion that it can render no substantial service in this matter."

No. 98.

TRAVELERS PROTECTIVE ASSOCIATION OF AMERICA vs. THE PHILADELPHIA AND READING RAILWAY COMPANY.

Mr. R. R. Boggs, Chairman of the Railroad Committee of the Pennsylvania Division of the Travelers Protective Association, together with some of the citizens of Harrisburg, Lebanon and Easton, asked the Commission to make an effort to secure an addition to the passenger service maintained by the Philadelphia & Reading Railway Company between Harrisburg, Penn'a, and New York, N. Y., by the provision of dining car service. This request was supported by a petition of citizens residing at Lebanon, Penn'a. Commission held a conference with several of the complainants, and arranged to take the matter up with the railroad company after receiving evidence of a public demand for the service.

No. 99.

R. S. McCLOURE, ET AL. vs. THE PENNSYLVANIA RAILROAD COMPANY.

HUGH R. FULTON for Complainants.

These petitioners, by counsel, filed with the Commission a complaint, setting forth that they were residents of Bart and Eden townships, Lancaster county,

Pa.; that the Pennsylvania Railroad maintained through said community a line known as the Atglen & Susquehanna Branch, but that it had never at any place along the line of said road, erected sidings or stations, or run passenger or local freight trains for the convenience and accommodation of the inhabitants of the county or community through which the road passed. It was alleged that this was in violation of law and of the charter obligations of the company. The answer of the Pennsylvania Railroad Company to this complaint was that it had not as yet erected sidings or constructed stations, or run passenger or local freight trains over this road, but denied that the same would be for the convenience and accommodation of the inhabitants of the county or community through which said road passed. It further denied that there had been any violation of its charter obligations, or the law of the land.

Answer of respondent company sent to attorney for complainants, with the advice that a hearing would be arranged on receipt of reply.

No. 100.

F. W. TUNNEL & COMPANY vs. PENNSYLVANIA RAILROAD COMPANY.

This was a complaint alleging that two different rates of freight on fertilizer shipped from Philadelphia to various points were maintained by respondent company; that such rates constituted a discrimination against the complainant in view of the fact that the lower rates were maintained from points within the district of Philadelphia from which complainant could not make shipment.

The answer of the respondent company denied any discrimination against complainant, but agreed to re-adjust the rates specially complained of.

No. 101.

WESTERN MARYLAND RAILROAD COMPANY vs. PENNSYLVANIA RAILROAD COMPANY and PHILADELPHIA & READING RAILWAY COMPANY.

This was a request that the Commission approve a joint freight rate on scrap iron between York, Pa., and Pottsville, Pa., between the complainant and the Pennsylvania Railroad Company and the Philadelphia & Reading Railway Company. Also alleging that a request to increase the joint rates now in existence had been made of them by the Philadelphia & Reading Railway Company, and that to comply with such request would result in the stifling of competition.

The Commission advised as follows:

"The act under which the Commission was created appears to provide for action respecting freight rates only in cases where complaint is made by a shipper against a carrier, and does not contemplate the making of rates for carriers or connecting carriers in the first instance. Therefore, this Commission would not feel justified, without a complaint in intervening in this case for instance.

"We further suggest that the making of such rates, and the regulation thereof, are primarily matters for consideration of the carriers themselves after consultation with their counsel. With reference to the existing rates on scrap iron quoted by you in your communication, the Commission directs your attention to the act of May 31st, 1907, P. L. 354."

No. 102.

H. S. BARGERSTOCK vs. RAILROAD COMPANY.

This complainant brought to the attention of the Commission the fact that certain household goods shipped from Sioux City, Iowa, to Ronco, Pa., freight prepaid, were lost, and the railroad refused to trace the same, no railroad company being named by complainant.

Inasmuch as the movement complained about was an inter-state movement, the complainant was advised to bring the same to the attention of the Interstate Commerce Commission, Washington, D. C.

No. 103.

THE WEEKLY DISPATCH vs. THE ADAMS EXPRESS COMPANY.

Complainant was made that the respondent company failed to deliver promptly newspapers shipped to complainant from Pittsburg, Penn'a, and consigned to Frazer, Penn'a, resulting in great loss.

The answer of respondent company has not yet been filed. Case pending.

No. 104.

N. D. CHAPIN vs. THE BALTIMORE & OHIO RAILROAD COMPANY.

Complainant alleged that the respondent company had overcharged him on a shipment of household goods from Somerset, Penn'a, to Mocanaqua, Penn'a;

that after receiving prepayment on the freight of said goods and accepting same for shipment, a portion had been removed from the original shipment, because of defective crating, and forwarded by express, resulting in additional charge.

The answer of the railroad company to this complaint has not yet been filed.

No. 105.

THE BLACK MOSHANNON LUMBER COMPANY vs. PENNSYLVANIA RAILROAD COMPANY.

Complaint was made that the Pennsylvania Railroad Company had charged a greater rate on a shipment of mine props from Fleming, Pa., to Meadow Lands, Pa., than the rate quoted the shipper by the agent of respondent company.

Commission requested further information with regard to this matter, which has not yet been furnished.

No. 106.

HENRY F. MICHELL COMPANY vs. THE PENNSYLVANIA RAIL- ROAD COMPANY.

This was a complaint that the Pennsylvania Railroad Company had accepted a shipment of bulbs consigned to Rosemont, Penn'a, from Philadelphia, Penn'a; that the company had a station agent at point of destination, but no freight agent; that after delivery to this station, the shipment being unprotected, one of the cases was stolen, and that the railroad company refused to make restitution. Complainant asked the Commission to request the railroad company to install at this point a suitable building for the safe keeping of freight.

Answer of the railroad company was that on all freight consigned to non-agency stations notice was given to consignor that after delivery the goods were at the owner's risk; that the right of the railroad company to maintain this practice had been recognized by the Supreme Court of Pennsylvania in the case of Allen vs. Railroad, 183 Pa. 174; that had the shipper wished to consign his goods so as to avoid loss, the same could have been consigned to either of two stations near to Rosemont, Penn'a. The company, therefore, declined to make restitution.

On being advised of the nature of the company's answer, complainant further claimed that the regulation of the company to the effect that property destined to or taken from a station where there is no regularly appointed agent shall be entirely at the risk of the owner did not apply at Rosemont,

Penn'a, for the reason that, while there was no freight agent at said point, there was a passenger ticket agent.

Case pending.

No. 107.

WILLIAM P. MALIN vs. THE PENNSYLVANIA RAILROAD COMPANY.

Complainant alleged that the Pennsylvania Railroad Company delayed a train starting from Ridgway, Penn'a, in order to await trains arriving on roads connecting at that point, but that they had failed to hold train at Falls Creek, Penn'a, on another division, to meet train arriving from Ridgway, Penn'a, the result being the loss of an entire day on trip from Ridgway, Penn'a, to Clarion, Penn'a.

The answer of the respondent company admitted the facts as stated by complainant but stated that the failure to hold connecting train at Falls Creek, Penn'a, was due to an error in judgment on the part of the division management, to whose attention the matter had been called.

Case pending.

No. 108.

JAMES R. CHAMBERS, Jr., vs. PENNSYLVANIA RAILROAD COMPANY.

This complaint was with regard to the stopping of local passenger trains at Powelton Avenue, Philadelphia.

Complainant was advised that at the present time the Commission did not see how it is possible for respondent to make a stop at the Powelton Avenue Station.

Complaint dismissed.

No. 109.

J. W. BEATTY vs. PENNSYLVANIA RAILROAD COMPANY.

Complaint was made that the Pennsylvania Railroad Company had a re-consignment rate of two-dollars (\$2.00) per car from its hay warehouses at

West Philadelphia to private sidings within the Gray's Ferry District, while on shipments consigned to public sidings the rate was three cents per hundred. It was alleged that this practice was discriminatory.

The answer of the railroad company was that the practice was correctly reported, and that the reason for the difference in charges was that the movement from warehouses to a private siding involved simply the cost of transportation, the facilities being furnished by the owner of siding, while in movements from warehouses to public delivery sidings the railroad furnished an additional terminal service.

Commission has ordered a hearing on this matter.

No. 110.

G. H. BONNER vs. PHILADELPHIA RAPID TRANSIT COMPANY.

This was a complaint that the Philadelphia Rapid Transit Company had failed to enforce a recommendation of the Commission, prohibiting the carrying of passengers on the front platforms of closed cars.

The answer of the company was that it was making every effort to enforce the recommendation of the Commission, and furnished copies of rules put into effect following said recommendation, and that if the complainant would furnish specific information, giving date and number of car upon which the infraction of the rule occurred, proper punishment would be imposed.

On being advised by the Commission of the nature of the traction company's answer, complainant informed it that the same was satisfactory.

Case marked closed.

No. 111.

J. E. SLOYER vs. PENNSYLVANIA RAILROAD COMPANY.

Complainant alleged that in January, 1905, he had purchased sixty trip ticket over the Pennsylvania Railroad between West Chester, Pa., and Malvern, Pa., and that by reason of a snow storm he was unable to use the same for a period between January 18th and 21st; also that he had requested the agent of the company at West Chester, Pa., to furnish him transportation to Malvern via Philadelphia, but that he had declined to do same except upon payment of the full rate. Claim was made for \$6.50.

The case was dismissed with the advice that the Commission had not taken cognizance of complaints concerning occurrences prior to January 1, 1908, at which time the act creating the Commission became effective.

No. 112.**W. D. BLACKBURN, ET AL. vs. THE PENNSYLVANIA RAILROAD COMPANY.**

The petitioners in this case were residents of Imler, Reynoldsdale, Fishertown and other places on the Dunnings Creek Branch, Bedford Division, the Pennsylvania Railroad. Complaint set forth that the existing passenger train service maintained by this company was insufficient for the needs of the community and requested a revision of schedule.

Answer of the railroad company has not yet been filed.

No. 113.**HERBERT M. BUSHONG vs. UNITED TRACTION COMPANY OF READING.**

Complaint was made that the respondent company failed to keep its cars in fair sanitary condition; that passengers were compelled to ride in those portions of cars in which light freight was carried; that expectorating on the floor of cars was not prohibited, and that dogs were carried in those portions of cars reserved for passengers.

The answer of the Traction Company was that light freight was carried, but in separate compartments, to which passengers were not admitted; that if dogs were carried they were required to be consigned to the smoking compartment; that the company made every effort to keep its cars clean and in good condition and that the offense complained about was not due to failure of the company to provide proper regulations, but to the carelessness of passengers; that with regard to expectorating, the company would be pleased to have the commission make an order prohibiting this offensive habit, and would do everything in its power to make the same effective.

The complainant was advised of the nature of this answer, also that the Commission proposed taking up with the Department of Health the issue of a recommendation concerning expectorating.

Respondent company was asked to and did furnish plans showing construction of cars used in its service.

Case pending.

No. 114.**COLBORN BROTHERS vs. BALTIMORE & OHIO RAILROAD COMPANY.**

Complaint was made that on a shipment of incline rollers, Stewarton, Penn'a, to Webster, Penn'a, travelling via the Baltimore and Ohio Railroad and the Pittsburgh & Lake Erie Railroad, an overcharge had been made by reason of failure of the Baltimore & Ohio Railroad to properly route the same.

This complaint has not yet been answered by the respondent company.

No. 115.**E. L. WATTS vs. LEBANON VALLEY STREET RAILWAY COMPANY.**

Complaint was made that the respondent company failed to maintain waiting rooms and stations at Lebanon, Penn'a, and other points on its interurban lines; that adequate facilities were not provided for passengers at the rush period of the day by reason of which fact ladies frequently suffered damage to clothing; that cars used by respondent company were not kept clean and in a sanitary condition.

The answer of the respondent was, that there was no law or custom requiring street railway companies to maintain waiting rooms or stations and to do so would be beyond the possibility of the company's income; that the company could not discriminate as to passengers during the rush hour or any other period; that the cars of the company were kept clean and in good order.

Case pending.

No. 116.**HAYES RUN FIRE BRICK COMPANY vs. NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY.**

This complainant alleged that on shipments of brick and other clay products consigned by it to points on the Pennsylvania Railroad, shipments originating on the line of the New York Central and Hudson River Railroad, it was compelled to pay an arbitrary rate of fifty cents per net ton greater than was paid

by competitors shipping to the same destination where freight originated on the line of the Pennsylvania Railroad, this practice constituting a discrimination.

The answer of the railroad company to this complaint has not yet been filed.

No. 117.

H. M. WHITAKER vs. PITTSBURGH, SHAWMUT & NORTHERN RAILROAD COMPANY.

Complainant filed complaint with the Commission that this Company was charging a rate of five cents per mile for passenger transportation on trains between Croyland, Pa., and Hallton, Pa.

Complainant was advised that there was pending before the Commission a case involving the right of a railroad company, chartered under the Act of 1868, to charge more than the rate fixed by the Act of 1849, and that his case would be considered in connection therewith.

No. 118.

LOUIS INGRAM, ET AL. vs. BEAVER VALLEY STREET RAILWAY COMPANY.

Complaint was made that this company failed to properly mark cars so as to show the routes they traveled and that cars marked to travel certain routes frequently failed to do so.

The answer of the street railway company to this complaint set forth that in but two instances during the year had cars failed to complete their circuits as scheduled, these occasions being due to extraordinary circumstances; that as to marking of cars so as to show routes travelled, the policy of the company was to follow this practice.

Case pending.

No. 119.

MRS. EMILIE V. FITZWATER vs. LEHIGH VALLEY TRACTION COMPANY and BELL TELEPHONE COMPANY.

This complainant, a property owner residing in Springfield township, Montgomery county, Penn'a, complained that the Lehigh Valley Traction Company permitted the Bell Telephone Company, a foreign corporation doing business

in Pennsylvania, to string its cables and wires upon poles erected by and in use of the said traction company; that it was proposed to do so on poles located in front of complainant's residence, this being contrary to law and the rights of private citizens.

Case pending.

No. 120.

WILLIAM MASON, ET AL. vs. THE PENNSYLVANIA RAILROAD COMPANY.

This was petition of citizens of Dauphin, Dauphin county, Penn'a, asking that a change be made in the existing passenger schedule of the Northern Central Railway Company so that a night service between Harrisburg, Penn'a, and Dauphin, Penn'a, could be secured.

After receiving the petition, notice was given to the Commission by the railroad company that the change petitioned for would be made, effective January 4, 1909.

No. 121.

CORRY HIDE AND FUR COMPANY vs. THE PENNSYLVANIA RAILROAD COMPANY.

This complaint was that the Pennsylvania Railroad Company had charged storage on a shipment of hides, delivery of which to complainant had been delayed by reason of a quarantine regulation; that when it was found that the shipment was not subject to quarantine, storage charges were remitted. Complainant claimed railroad company was exceeding its powers in making charge for storage.

Commission advised that railroad companies, under decisions of the courts, had the right to collect storage charges for whatever time goods may remain in their custody after a reasonable opportunity had been afforded the owner to remove the same.

Case dismissed.

No. 122.

P. P. GRIFFIN vs. THE PENNSYLVANIA RAILROAD COMPANY.

Complainant in this case alleged that the Pennsylvania Railroad, when asked to reconsign to Montoursville, Penn'a, a point on the Philadelphia & Reading

Railway Company lines, a shipment of lumber originally consigned to Williamsport. Penn'a, and delivered at that point, declined to do so except by routing the same via Milton, Penn'a, that as a result complainant was compelled to unload shipment at Williamsport and reload same on car furnished by the Philadelphia & Reading Railway Company, this greatly increasing the expense of the movement.

Complaint sent to the Pennsylvania Railroad Company for answer.

No. 123.

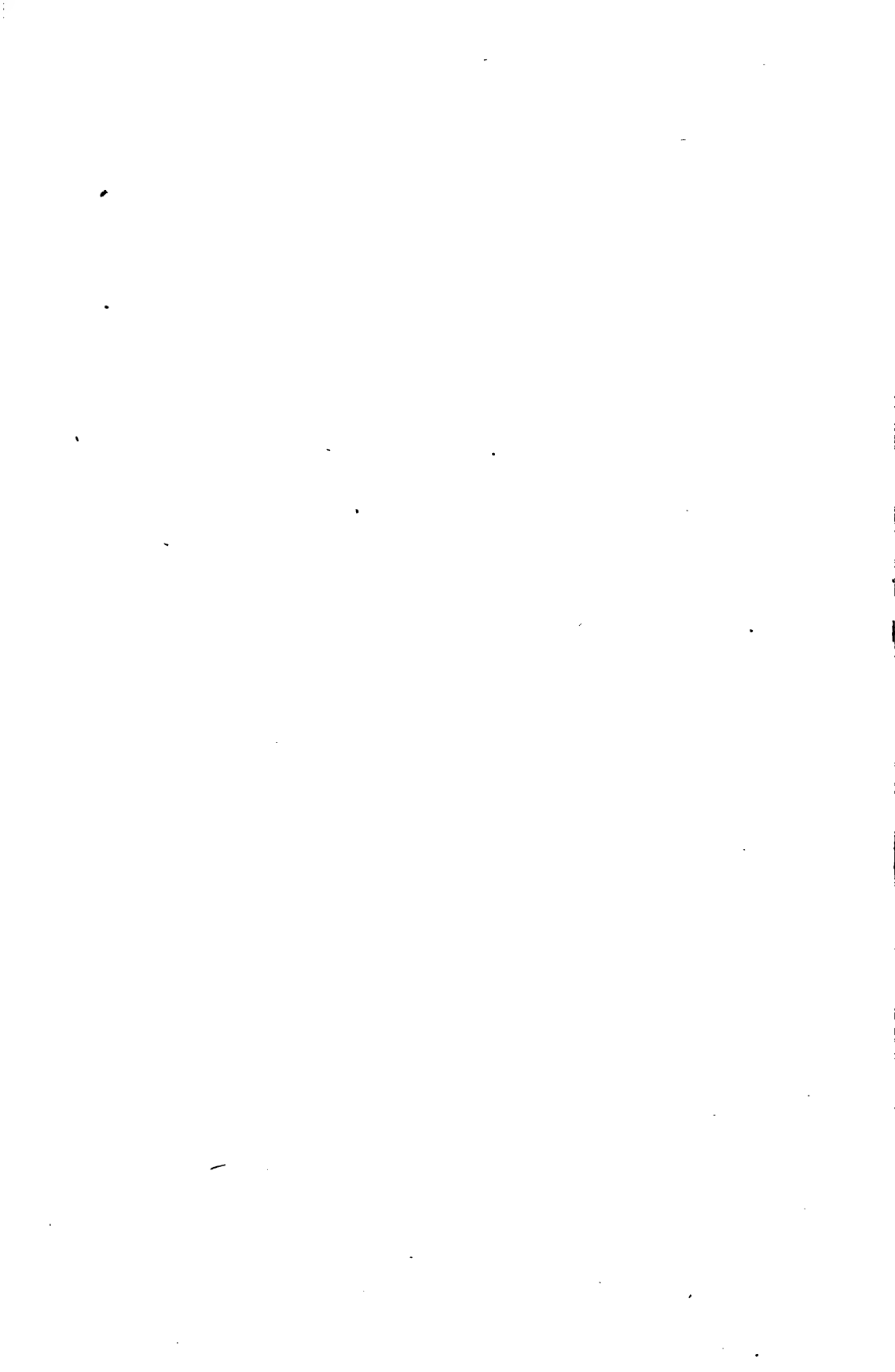
**THE BAKER-MOUNTSIEER LUMBER COMPANY vs. BALTIMORE &
OHIO RAILROAD COMPANY.**

This complaint was that the railroad company had by letter quoted a rate on lumber, Bruceton, Pa., to Russelton, Pa., and that by reason of said quotation of rates, a shipment had been made and freight prepaid; that on delivery to consignee an additional freight charge was demanded. Claim was made for refund of this additional charge.

Case pending.

APPENDIX "B."

**Summary of Reports of Accidents on Railroads and Street
Railways for the year ending December 31, 1908.**



SUMMARY OF RAILROAD AND STREET RAILWAY ACCIDENTS RECEIVED AND TABULATED FOR THE YEAR ENDING DECEMBER 31st, 1908.

	Killed.	Injured.	Total. Accidents.
Railroads,	1,070	8,203	9,273
Street Railways,	203	4,907	5,110
Total,	1,273	13,110	14,383

ACCIDENTS CLASSIFIED AS TO EMPLOYEES, PASSENGERS, TRESPASSERS AND OTHERS.

RAILROADS.

	Killed.		Injured.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Employees,	287	26.82	6,363	77.56	6,650	71.71
Passengers,	23	2.15	736	8.97	759	8.19
Trespassers,	690	64.49	763	9.30	1,453	15.67
Others,	70	6.54	341	4.17	411	4.43
Total,	1,070	100.00	8,203	100.00	9,273	100.00

STREET RAILWAYS.

	Killed.		Injured.		Total.	
	Number	Per cent.	Number	Per cent.	Number	Per cent.
Employees,	10	4.93	203	4.14	213	4.17
Passengers,	47	23.15	3,339	68.04	3,386	66.26
Trespassers,	32	15.76	105	2.14	137	2.68
Others,	114	56.16	1,260	25.63	1,374	26.83
Total,	203	100.00	4,907	100.00	5,110	100.00

TABULATION SHOWING PERCENTAGE OF FATALITIES IN EACH CLASS OF PERSONS
TO THE TOTAL NUMBER OF ACCIDENTS.

RAILROADS.

	Killed.	Total Accidents.	Percent- age of Fatalities.
Employees,	237	6,650	4.32
Passengers,	23	759	3.03
Trespassers,	690	1,453	47.49
Others,	70	411	17.03
Total,	1,070	9,273	11.54

STREET RAILWAYS.

	Killed.	Total Accidents.	Percent- age of Fatalities.
Employees,	10	213	4.69
Passengers,	47	3,386	1.39
Trespassers,	32	137	23.36
Others,	114	1,374	8.29
Total,	203	5,110	3.97

RAILROAD ACCIDENTS—SUMMARY OF REPORTS RECEIVED AND TABULATED FOR
YEAR 1908.

	Killed.				Injured.				Total.		Percentage.	
	E.	P.	T.	O.	E.	P.	T.	O.	K.	I.	K.	I.
Collision,	19		1		240	79	1	16	20	338	1.87	4.09
Grade crossing,	5			65	3				205	70	6.54	2.54
Derailment,	13				74	64	6	1	13	145	1.21	1.77
Parting of trains,					28	2	5			35		.42
Falling from trains,	47	5	50		758	79	106	8	102	951	9.53	11.59
Jumping on or off trains, ..	16	9	37		585	167	167		62	919	5.79	11.22
Struck by trains,	149	6	566	4	277	16	372	10	725	676	67.76	8.23
Struck by overhead ob- struction,	2				46		5		2	51	.19	.62
Boiler explosion,	2				1				2	1	.19	.01
Defect or failure,	4				74	3			4	77	.38	.94
Miscellaneous causes, ..	30	3	36	1	4,277	326	101	101	70	4,905	6.54	58.57
Total,	287	23	690	70	6,363	736	763	341	1,070	9,208	100.00	100.00

STREET RAILWAY ACCIDENTS.
SUMMARY OF REPORTS RECEIVED AND TABULATED FOR YEAR OF 1908.

	Killed.				Injured.				Total.		Percentage.	
	E.	P.	T.	O.	E.	P.	T.	O.	K.	I.	K.	I.
Collision,		3			46	552	1	2	3	601	1.48	12.25
Grade crossing,				2	4	67		20	2	91	.98	1.86
Derailment,				1	22	258		3	1	283	.50	5.77
Car breaking down,		1				1			1	1	.50	.02
Falling from car,		9			26	701	21		9	748	4.43	15.21
Jumping on or off car,		24	1		7	1,247	42	3	25	1,299	12.31	26.47
Struck by car,		3	7	28	107	20	63	36	145	1,276	71.43	26.00
Contact with trolley or feed wire,	2		1	2	1	1			5	2	2.46	.04
Contact with third rail,			1					2	1	2	.50	.04
Defect or failure,	1			1	7	85		7	2	99	.98	2.02
Miscellaneous causes, ..	4	3	1	1	70	364	3	68	9	505	4.43	10.29
Total,	10	47	32	114	203	3,339	105	1,260	203	4,907	100.00	100.00

APPENDIX "C."

**Tabulated Statement of the Accidents which occurred on the
lines of the various railroads of the State; classified
by character of accident and class of persons.**

		Appliances.				Other Causes.								Total.			
ed. In	T. P.	Total.		Killed.				Injured.				Total.		K.	I.		
		K.	I.	E.	P.	T.	O.	E.	P.	T.	O.	K.	I.				
																	2
		1	3			1	1	317	14		4	2	335	45		587	8
			1					25	2				27	21		86	
		1	3					62	3	1			65	6		98	
			1					15	1				16	11		37	
			1					3		1			4	20		46	
								2					2	2		4	
								2					2			1	
								1					1			1	
														1		1	
								27					27	6		26	
								25					25	24		79	
								12					12	40		35	
								3	1				4			5	
														2		4	
								1					1			1	
		6		2		1		128	3		1	3	130	30		272	
								4					4	2		15	
								1					1			1	
		1						48	2	3	1		54	16		101	
				3		2		12		2		5	14	79		117	
								1					1			1	
								1					1			2	
								3					3			7	
								21					21	1		27	
								13					13	7		29	
														1		1	
		2						24	2				26	7		60	
								7					7	3		15	
								7		1			8	14		33	
								5					5			6	
		1		2				46	3	1		2	50	19		88	
		1						95	6	1	1	3	103	35		158	
		2	31	15	1	26		2,120	189	66	53	42	2,428	402	3,577		
		17		6		3	1	1,041	75	23	38	10	1,178	143	2,077		
																1	
		1						18	5		1		24	11		54	
		3						60	9	2			72	52		194	
																1	
		3						51	9			1	60	28		128	
					1			14	1				15	5		21	
				1				1				1	1	1		6	
								2					2			2	
								1					1			1	
								1					1			1	
		2		1				20	1		1	1	22	17		48	
		1						12					12	3		19	
								1					1			3	
								4					4			6	
								6			1		7	1		16	
								2					2			5	
								1					1	2		4	
																1	
		4	77	30	3	38	1	4,277	328	101	101	70	4,805	1,070	8,203		

APPENDIX "D."

**Tabulated Statement of the Accidents which occurred on the
lines of the various street railways of the State; classified
by character of accident and class of persons.**



Direct Wounds.			Other Causes.										Total.	
d. no.	Total.		Killed.				Injured.				Total.		K.	I.
	E.	I.	E.	P.	T.	O.	E.	P.	T.	O.	K.	I.		
							2					2	3	9
								3			1	4	3	81
							1	1				2		2
														16
								2			1	3	1	4
								2				2		15
								2				2	3	1
							4	6			1	11		57
												1	2	2
							1				1		1	3
														10
											2	2	1	46
							1	1			1	3	1	49
														2
								1						19
							2	1				5	1	95
														6
								1				1		11
														23
														24
														2
														2
														2
														2
														18
														2
														110
							1	2				2	2	14
							1					1	4	2
														4
								1				1	1	3
							1	1				2	3	34
														1
							1	2				4		20
								1				1		5
														1
														1
														10
														1
														1
														5
														2
														85
														1
														25
														1
														1
														1
														6
														15
														3
														77
														3
														41
														2
														74
														76
														2
														3
														41
														2
														1
														76
														2
														3
														7
														12
														2
														2
														1
														10
														1
														11
														51
														1
														1
														1
														227
														6
														1
														28
														1
														99
														4
														3
														1
														70
														364
														3
														63
														9
														505
														203
														4,907

APPENDIX "E."

List of Railroads and Street Railways of the State reporting no accidents during the year ending December 31, 1908.

RAILROADS REPORTING NO ACCIDENTS DURING YEAR 1908.

Allegheny & South Side Railway Company.
Altoona & Beech Creek Railroad Company.
Bare Rock Railroad Company.
Big Level & Kinzua Railroad Company.
Black Lick & Yellow Creek Railroad Company.
Bloom Run Railroad Company.
Bradford & Western Railroad Company.
Brownstone & Middletown Railroad Company.
Central Railroad Company of Pennsylvania.
Charleroi & Belle Vernon Railroad Company.
Chestnut Ridge Railway Company.
Dean Railroad Company.
Delaware River & Union Railroad Company.
Delaware Valley Railway Company.
Dents Run Railroad Company.
Donora Southern Railroad Company.
East Berlin Railroad Company.
East Waterford & Kansas Valley Railroad Company.
Eddystone & Delaware River Railroad Company.
Etna & Montrose Railroad Company.
Glasgow Railroad Company.
Hicks Run Railroad Company.
Hooverhurst & Southwestern Railroad Company.
Hunters Run & Slate Belt Railroad Company.
Jersey Shore & Antes Fort Railroad Company.
Kane & Elk Railroad Company.
Keating & Smethport Railroad Company.
Kishacoquillas Valley Railroad Company.
Kittanning Run Railroad Company.
Lancaster, Oxford & Southern Railroad Company.
Leetonia Railroad Company.
Lehigh & Hudson River Railroad Company.
McKeesport Terminal Railroad Company.
Mercer Valley Railroad Company.
Mocanaqua & Eastern Railroad Company.
Mt. Jewett, Kinzua & Riterville Railroad Company.
Mt. Penn Gravity Railroad Company.
Mt. Pleasant & Latrobe Railroad Company.
New Berlin & Winfield Railroad Company.
New Castle & Butler Railroad Company.
New Park & Fawn Grove Railroad Company.
Newport & Shermans Valley Railroad Company.
New York & Pennsylvania Railroad Company.

New York, Susquehanna & Western Railroad Company.
Nittany Valley Railroad Company. .
Northern Liberties Railway Company.
North Shore Railroad Company.
Oleona Railroad Company.
Pencoyd & Philadelphia Railroad Company.
Pennsylvania Western & Ohio River Connecting Railway Company.
Philadelphia & Belt Line Railroad Company.
Phillipsburg Railroad Company.
Pittsburgh, Allegheny & McKees Rocks Railroad Company.
Pittsburgh & Allegheny River Railroad Company.
Pittsburgh & Ohio Valley Railway Company.
Pittsburgh, Lisbon & Western Railroad Company.
Pittsburgh, Summerville & Clarion Railroad Company.
Pittsburgh, Westmoreland & Somerset Railroad Company.
Redstone Central Railroad Company.
Reynoldsville & Falls Creek Railroad Company.
Scotac Railway Company.
Scottdale Connecting Railroad Company.
Scranton & Spring Brook Railroad Company.
Seward Railroad Company.
Sheffield & Tionesta Railway Company.
South Shore Railroad Company.
Stewartstown Railroad Company.
Susquehanna & Buffalo Railroad Company.
Susquehanna & Eagles Mere Railroad Company.
Susquehanna, Bloomsburg & Berwick Railroad Company.
Susquehanna River & Western Railroad Company.
Ursina & North Fork Railway Company.
Valley Connecting Railroad Company.
Valley Railroad Company.
Washington Run Railroad Company.
Westinghouse Interworks Railroad Company.
White Deer & Loganton Railway Company.
Wheeling & Lake Erie Railroad Company.
Winfield Railroad Company.
Wyoming & Pond Creek Railroad Company.

STREET RAILWAYS REPORTING NO ACCIDENTS DURING YEAR 1908.

Allen Street Railway Company.
Blue Ridge Traction Company.
Carbon Transit Company.
Carlisle & Mt. Holly Railway Company.
Danville & Bloomsburg Street Railway Company.
Danville & Sunbury Transit Company.
DuBois Traction Company.
East End Passenger Railway Company.
Gettysburg Transit Company.

Hagerstown Railway Company.
Highland Grove Traction Company.
Hummelstown & Campbellstown Railway Company.
Indiana County Street Railway Company.
Jersey Shore Electric Street Railway Company.
Juniata Valley Electric Railway Company.
Kittanning & Leechburg Railways Company.
Lancaster & Southern Railway Company.
Latrobe Street Railway Company.
Lewisburg, Milton & Watsonstown Passenger Railway Company.
Lykens & Williams Valley Street Railway Company.
Mahoning Valley Street Railway Company.
Meadville & Cambridge Springs Railway Company.
Meadville & Conneaut Lake Traction Company.
Montgomery Traction Company.
Montoursville Passenger Railway Company.
Neversink Mountain Railway Company.
New Jersey & Pennsylvania Traction Company.
Newtown & Yardley Street Railway Company.
Northampton Traction Company.
Oakdale & McDonald Street Railway Company.
Patterson Heights Street Railway Company.
Pittsburgh & Westmoreland Street Railway Company.
Pottstown & Northern Railway Company.
Shamokin & Edgewood Electric Street Railway Company.
Shamokin & Mt. Carmel Transit Company.
South Bethlehem & Saucon Street Railway Company.
South Side Passenger Railway Company.
Stroudsburg & Water Gap Street Railway Company.
Stroudsburg Passenger Railway Company.
Sunbury & Northumberland Electric Railway Company.
Sunbury & Selinsgrove Electric Railway Company.
Susquehanna Traction Company.
Union Passenger Railway Company.
Warren Street Railway Company.
Western New York & Pennsylvania Traction Company.
White Hall Street Railway Company.
Yardley, Morrisville & Trenton Street Railway Company.
Youngsville & Sugar Grove Street Railway Company.

APPENDIX "F."

**Detailed Report of Investigations of Accidents made by the
Commission.**

INVESTIGATIONS OF ACCIDENTS.

PHILADELPHIA RAPID TRANSIT COMPANY, CHESTNUT HILL DIVISION.

Accident at Chestnut Hill on the line of the Philadelphia Rapid Transit Company, May 24, 1908. Upon receipt of advice concerning this accident the Commission promptly sent an inspector to make an investigation and report. The gist of the report when filed was that the direct cause of the accident was the blowing out of the hood-switch on a car proceeding up a sharp grade at this point. This car was very much overcrowded, particularly on the front platform and the motorman was unable to readjust the automatic hood-switch. When recourse was had to the brakes it was stated that the same would not work. The car immediately dropped back against the next one following and this same condition occurred in turn until six cars in all were smashed.

The total casualties were two killed and one hundred and twenty-seven injured.

Owing to the importance of this matter the Commission was represented at the taking of testimony before the coroner of Philadelphia county and secured for its information a copy of this testimony.

After an examination of all the facts the Commission decided to employ expert assistance and to this end made a contract with Messrs. Stone and Webster, Engineers, Boston, Mass., for such assistance. The report of the engineer made June 25, 1908, set forth practically the following facts: that the car which was primarily responsible for the accident had a seating capacity of fifty, that it carried about ninety-five or one hundred people, a number of whom were on the front platform; that the same was in good condition including brakes, electrical and mechanical equipment. It was the opinion that the blowing out of the automatic hood-switch was the result of the attempt of the motorman to start his car too rapidly. It was further stated that but one attempt was made to correct this condition. It was the opinion of the engineer that there need have been no difficulty in the motorman reaching the automatic hood-switch and that it would have been easily possible for the man in control to check the car in its descent. It was further stated that the car and brake apparatus were in sufficiently good condition for operation over the line on which the accident occurred. That with but one exception on this type of car the automatic hood-switch was placed at the same point as on most cars. It was finally the opinion of the engineer that the accident was due to the fact that the motorman lost his head and did not act until the car was beyond his control.

JOHNSTOWN PASSENGER RAILWAY COMPANY, WINDBER DIVISION.

July 15, 1908, about 9.00 o'clock P. M., a car of the Johnstown Passenger Railway Company was wrecked on the Windber Division, at a point near the Hog-

back Tunnel on the Baltimore and Ohio Railroad. The report of the inspector of the Commission set forth that the car just prior to the accident was moving around a curve as well as up hill, and collided with a traction engine hauling three bark wagons. Prior to the accident the motorman signalled with his whistle. He was unable at the time to see the traction engine and wagons. When he discovered the danger the motorman reversed his car. The collision resulted in damage to the front platform of the car. At the time about ninety passengers were carried, many more than the seating capacity of the car, some of whom were on the front platform. As a consequence of the excitement the motorman was swept from the front platform and the conductor without a proper realization of the trouble removed the trolley pole from the wire. The motorman having reversed the car the same started back down the hill and when the trolley pole was pulled from the wire it was impossible to control the car with the result that about three-fourths of a mile from the point of collision the car reached a sharp curve and turned over.

It was pointed out that in this instance as well as in the accident on the Chestnut Hill Division of the Philadelphia Rapid Transit Company, the overcrowding of the cars materially interfered with the crews in the proper discharge of their duties.

After receiving the report of inspector on the two accidents above referred to the Commission deemed it wise to take up with the street railway companies of the State the practice of carrying passengers on the front platforms of cars. This subject was opened by correspondence with the officers of the Pennsylvania Street Railway Association and a date fixed for a meeting, notice having subsequently been given to all companies operating in the State of the date agreed upon. A full and thorough discussion of this subject was had at a conference held in the Capitol Building at Harrisburg, September 29, 1908. Owing to the considerable number of persons present and a difference of opinion as to the advisability of a recommendation, at the Commission's suggestion a committee representing all interests was appointed to meet with the Commission and discuss the drafting of a recommendation. This meeting was held at the office of the Commission October 28, 1908, and, as a result thereof, the following recommendation was made under date of October 30, 1908:

"Information obtained in the investigation of recent street car accidents by this Commission, has led to the conclusion that the carriage of passengers on the front platforms of cars interferes more or less, with the motormen in the discharge of their duties, and thus increases the risk of accidents, as well as subjects the passengers to greater danger when accidents do occur.

"And, therefore, it is hereby recommended and directed that on and after November 15th, 1908, no passengers shall be permitted to ride on the front platforms of closed cars, and on open cars the carriage of passengers on the front platforms shall be strictly limited to the number that can be conveniently accommodated upon and do occupy the seat provided on said platforms. And also, that those occupying said seat shall be prohibited from engaging the attention of the motorman, by conversation or otherwise."

There has been but one complaint made to the Commission regarding the non-observance of this recommendation, this having been the complaint of G. H. Bonner, of Philadelphia, against the Philadelphia Rapid Transit Company. In this case the answer of the company was that it was making every effort to enforce the recommendation and that if it was advised of any specific instances where the same had not been observed the employees responsible would be punished.

BALTIMORE & OHIO RAILROAD COMPANY, NEAR FELTON STATION.

An accident occurred near Felton Station on the line of the Baltimore & Ohio Railroad Company on February 13, 1908, resulting in the death of two employees and the injury of twenty-three passengers. Under date of February 17th the Commission requested from the management of the Baltimore & Ohio Railroad a complete report giving more details than were covered in the formal report. It developed that the engineman in charge of a special passenger train ran into the rear of extra eastbound freight train, engine 2059; that the cause was that the engineman in charge of special passenger train failed to reduce speed on being properly signalled and ran past a red light signal and into the rear of freight train above referred to. There appearing nothing requiring special attention by the Commission no further action was taken.

PHILADELPHIA & READING RAILWAY COMPANY, LEWISBURG, SHAMOKIN DIVISION.

May 18, 1908, a collision occurred near Lewisburg on the Shamokin Division of the Philadelphia and Reading Railway, between northbound and southbound passenger trains, resulting in the injury of three employees, thirty-two passengers and one express messenger. The Commission directed that an investigation and report be made on this matter.

It developed that the cause of the accident was the failure of the operator in the signal tower at the nearest point to properly instruct the crew of a freight train southbound. It was further developed that the system of signalling used in giving orders at this point was by hand signs. On receipt of the report the Commission advised the Philadelphia & Reading Railway Company that in its opinion the method of signalling used at this time was faulty and defective and liable to constant misapprehension by employees. The Commission asked to be informed whether such was a common method of signalling on this line and whether any steps had been taken to stop the practice. The reply of the company to this communication was to furnish the Commission with a complete description of the accident, also a description of the change in regulations and instructions to operators of trains, all of which proved satisfactory, and the case was closed.

LEHIGH VALLEY RAILROAD COMPANY, NEAR MALONES SIDING.

June 27, 1908, a Northern Central Railway train travelling over the tracks of the Lehigh Valley Railroad Company was derailed near Malones Siding, the engine, a combination car and a passenger coach going over the bank, resulting in the death of one employe and the injury of twenty persons.

The report of the inspector representing the Commission set forth that the accident was undoubtedly caused by the placing of spikes on the rails at this point, but that there was no evidence as to who was responsible for this malicious work. The Commission communicated with the management of the railroad company and requested information as to what efforts had been made to apprehend the persons responsible therefor. As far as the Commission has been advised no persons have been arrested or punished for this accident.

PHILADELPHIA & CHESTER RAILWAY COMPANY, NEAR ESSINGTON.

September 23, 1908, at a point near Essington, on the line of the Philadelphia & Chester Railway, north and southbound cars collided, resulting in the injury of four (4) employees and sixty-four (64) passengers. The report filed by the operating company concerning this accident set forth very clearly that the cause of the accident was a failure of the crew of one of the cars to properly observe signals and follow the set practice relative to signals. At the time of the accident a dense fog prevailed, and it was impossible for the motormen of the cars to see each other and thus avert the accident. In clear weather this would have been possible despite the disregard of signals. The report of the inspector representing this Commission supported clearly the statements made by the company and its employees as to the responsibility for the accident. It appearing that the accident was caused by a disregard of regulations, no further action was taken.

WILKESBARRE & WYOMING VALLEY TRACTION COMPANY, PETTIBONE CROSSING, DORRANCETON.

October 30, 1908, a car of the Wilkes-Barre & Wyoming Valley Traction Company, while crossing a side track of the Delaware, Lackawanna & Western Railroad at Pettibone Crossing, Dorranceton, Penn'a, was run into by an engine and train of coal cars. There were 41 passengers on the car, all of whom were more or less injured. Commission sent an inspector to investigate and make a report. The report showed that the accident was due to lack of care on the part of the crew of the street car. The motorman admitted that he failed to look to the side on which the train was approaching until the latter was about 12 feet distant from his car. He then applied additional power in the belief that he could pass over the crossing before the train reached that point, the result being that the car was struck when in the middle of the railroad track. There were no obstructions such as would prevent the crew of the trolley car from observing the approach of the train. The conductor was on the track and observed the train approach, and signalled to it to come ahead. The fact that

there was no loss of life from this accident was due mainly to the slow speed at which the train was proceeding and the ability of the crew to stop the same within a short distance.

ERIE RAILROAD COMPANY, NEAR GENEVA, PA.

September 13th, 1908, eastbound passenger train No. 4 of the Erie Railroad Company, while moving at the rate of about fifty (50) miles per hour, ran into an open switch at the west end of a siding at Geneva, Pennsylvania. All of the train was derailed, and three (3) employes and eleven (11) passengers were injured. The report of inspector representing this Commission, who made a personal examination, showed that accident was clearly caused by the open switch; that light which should have been burning at this point was missing, and he was further of the opinion that switch had been maliciously tampered with.

THE PENNSYLVANIA RAILROAD COMPANY, NEAR WASHINGTON BOROUGH, PA.

October 6th, 1908, a freight train traversing the Atglen and Susquehanna Branch (low grade line of the Pennsylvania Railroad) ran into a work train near Washington Borough. The accident resulted in the killing of two (2) and injuring of six (6) employes. The investigation of the Commission developed that the work train on the morning of the accident was doing work between Columbia and Parkesburg. The orders contained no instructions as to movements of train from point to point, the practice being that the flagman was to protect the train. The first stop was made at Lace Mill, Columbia, at which time the extra eastbound freight train was flagged. When the work train proceeded the freight train followed, there being no communication between the crew of the work train and the crew of the freight train as to the intention of the work train to make further stops. The freight train was hauling forty-four (44) loaded steel cars. A heavy fog prevailed during the morning. When the work train got to Washington Borough it stopped to do some work. The flagman did not signal the freight train until it was at a point about eight (8) car lengths from the rear of the work train and moving at the rate of about twenty (20) miles per hour. The work train had not yet fully stopped. The collision was a most serious one. Examination developed that the engineer of the freight train was not aware that it was the intention of the work train to make any stops. The conductor of the work train did not know, he stated, that the freight train was following. The flagman of the work train contended that the engineer of the freight train had no right to move his train at a speed of twenty (20) miles per hour through a fog and following a work train. The railroad company's report further

contended that a speed of fifteen (15) miles per hour was not considered excessive under green signal or in a permissive block, and stated that block stations on the low grade branch were too far apart to permit the operation of trains under other than the permissive system. After examination the Commission was advised that the railroad company had found that the flagman of the work train was at fault for not getting off his train more promptly, knowing that a heavy train was following closely; that the conductor of the work train was at fault for not notifying the flagman of stop to be made in the vicinity of Washington Borough, and, also, for a failure to have the engineer whistle his flagman back on account of the weather conditions. The engineer of the freight train was at fault for using bad judgment in following the work train too closely during a heavy fog.

THE PENNSYLVANIA RAILROAD COMPANY, NEAR EAST LIBERTY STATION, PITTSBURGH.

The Commission investigated by correspondence an accident which occurred September 18th, 1908, near East Liberty Station, Pittsburg, resulting in the deaths of Clyde Stoker and Thomas Conley. It developed that the victims of this accident had endeavored to cross over the tracks of the company instead of making a detour and using subway at East Liberty Station, Pittsburg. At the point of accident there is dead end street, and the purpose of the Commission was to ascertain whether sufficient precaution had been taken by the railroad company to prevent constant trespassing on the right-of-way. After securing report of the company no further action was taken.

THE PENNSYLVANIA RAILROAD COMPANY, WEST OF FORT HILL.

The Commission directed that investigation be made of an accident caused by a locomotive boiler exploding at a point west of Fort Hill, on the Philadelphia Division of the Pennsylvania Railroad, October 1st, 1908. The detailed report of the railroad company set forth that the engineer had taken water about one mile before the explosion occurred and that the explosion was due to lack of water in the boiler. It was further stated that after an examination of the boiler made by experts, the cause was unquestionably negligence on the part of the engineer in charge of this locomotive in allowing the water to get too low.

PHILADELPHIA RAPID TRANSIT COMPANY, 18TH STREET AND WASHINGTON AVENUE, PHILADELPHIA.

On October 5th, 1908, a car of the Philadelphia Rapid Transit Company, while crossing at grade the tracks of the Pennsylvania Railroad Company at 18th Street and Washington Avenue, Philadelphia, was struck by a light

engine, resulting in the injury of three (3) passengers. There being at this point safety gates, maintained by the railroad company, the desire of the Commission was to ascertain upon whom the responsibility fell for the accident. In addition to this the statements made by each of the reporting companies were in conflict. The railroad company reported that the cause of the accident was the blowing out an automatic hood-switch on the trolley car. The street railway company stated that its car had been permitted to go upon the crossing, and while proceeding over the crossing was struck by the train. A further investigation made by the Commission developed that the automatic hood-switch on the car had blown out while it was on the crossing, but that it was the opinion of the employees of the traction company that this was not directly responsible for the accident. The traction company holds that the responsibility rested on the gate-man in charge. It was admitted, however, that when the motorman found himself on the tracks and train approaching he applied his power too rapidly resulting in the blowing out of the hood-switch and crippling of the car.

THE PENNSYLVANIA RAILROAD COMPANY, PINE STREET, PITTSBURG.

November 5th, 1908, at Pine Street, Pittsburg, Pennsylvania, North Side, an extra freight train on the Conemaugh Division of the Pennsylvania Railroad was side-swiped by P. C. C. & St. L. engine backing westward on the main track, resulting in the death of one (1) employe and injury of three (3) others. The Commission directed an investigation of this matter and the same resulted as follows: It developed that accident was due to the failure of conductor of the extra freight train to properly provide proper flag protection; conductor suspended for sixty (60) days. The engineer of the same train suspended for thirty (30) days, and switch-tender, located at same point, for ten (10) days.

PENNSYLVANIA LINES WEST OF PITTSBURG, "MB" TOWER, NEAR BIRMINGHAM STATION.

On November 11th, 1908, an engine of P. C. C. & St. L. Railroad was derailed on bridge at "MB" tower, near Birmingham Station, Pittsburg. There being a large amount of passenger traffic over this route, the Commission deemed it advisable to make a further investigation, although the accident resulted in the injury of but one (1) employe. The report of the railroad company set forth, after an extended examination, that although the same was made as thorough and as exhaustive as possible, they were totally unable to state the cause of derailment, and were compelled to record the derailment as being the result of some unknown cause. No further action taken.

APPENDIX "G."

**Draft of a proposed Act Relative to Trespassing on the private
rights-of-way of Steam and Electric Railways.**

AN ACT

Making trespassing on the tracks or roadbed of any railroad, street railway, or electric railway, other than on a public road or street, a misdemeanor and providing for the arrest, conviction and punishment of such offenders.

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That on and after the passage of this act any person trespassing on the tracks or roadbed of any railroad, street railway, or electric railway, other than on a public road or street, shall be guilty of a misdemeanor and upon conviction thereof before any alderman, magistrate, or justice of the peace, shall be sentenced to pay the costs and a fine of not more than five dollars (\$5.00), or be committed to the county jail for a period not exceeding ten (10) days.

Section 2. Any constable or police officer having knowledge or being notified of any violation of this act shall forthwith arrest such offender and take him before any alderman, magistrate, or justice of the peace of the city, borough or county, or any such alderman, magistrate, or justice of the peace shall, upon information made, issue a warrant or capias for the arrest of such offender, and in either case the alderman, magistrate or justice of the peace shall, upon the person charged being brought before him, forthwith proceed to hear and determine the case.

APPENDIX "H."

**Draft of a proposed Act relative to the Increase of Capital
Stock and Indebtedness of Corporations embraced
within the Act of May 31, 1907.**



AN ACT

To supplement an act approved February 9th, 1901, entitled "An act to provide for increasing the capital stock and indebtedness of corporations," providing that all corporations subject to the provisions of the act approved May 31st, 1907, entitled "An act to provide for the appointment of a Railroad Commission, etc.," desiring to increase their capital stock or indebtedness or either shall give notice of such purpose to the Pennsylvania State Railroad Commission, by which objections to said proposed increase shall be heard and a recommendation thereon made and prohibiting the waiver of the publication of notice for a meeting of the stockholders to vote on such proposed increase, and providing that no such increase without such notice and without or contrary to the recommendation of said Railroad Commission shall be valid, except when such increase is approved in accordance with the provisions of the act to which this is a supplement, and no objections thereto have been filed with said Railroad Commission, or any objections filed therewith have been withdrawn.

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That when any common carrier corporation of the Commonwealth of Pennsylvania, subject to the provisions of the act approved May 31st, 1907, entitled "An act to provide for the appointment of a Railroad Commission, &c.," is desirous of increasing its capital stock or indebtedness or both, it shall immediately upon resolution of its Board of Directors to that effect, give written notice thereof to the Pennsylvania State Railroad Commission, under the seal of the corporation and the attestation of its president or secretary, and shall in its published notice of a meeting of the stockholders to vote upon the question, state that said railroad Commission will at any time within thirty days from the date of the first publication of said notice receive the written objections of any stockholder, bondholder or creditor of said corporation to the proposed increase or to any portion thereof.

Section 2. Upon objections to said proposed increase being filed by any stockholder, bondholder or creditor of said common carrier corporation with said Commission notice thereof shall be given to said carrier corporation and to the Secretary of this Commonwealth by the party filing such objection, and on the day designated therefor said Railroad Commission shall hear the parties thereon, and, after due consideration, make such disposal of such objections and such recommendation as to the proposed increase of stock or indebtedness or either or both or any portion of either, as the facts and circumstances of the case may seem to require.

Section 3. No such proposed increase of stock or indebtedness shall be valid notwithstanding the stockholders of the corporation may duly approve the same, unless the aforesaid notice of the proposition be given to said Railroad Commission, and unless, and then only to the extent that, said Railroad Commission shall certify to said carrier corporation and to the Secretary of the Commonwealth its approval thereof: Provided, however, That where no objections are filed with said Railroad Commission, or where such objections may have been withdrawn, no action by said Commission shall be necessary in the matter and the action of the stockholders alone shall control.

Section 4. No waiver by the stockholders of any publication of notice of a stockholders meeting to vote upon the question of any such increase of stock

or indebtedness prescribed by any act of Assembly of this Commonwealth shall be permitted.

Section 5. All acts or parts of any acts of Assembly of this Commonwealth, general or special, inconsistent herewith are hereby repealed.

APPENDIX "I."

**Draft of a proposed Act relative to the Regulation of Grade
Crossings of Highways by Railroads and
Street Railways.**

AN ACT

To amend a part of Section 14 of the act approved May 31st, 1907, entitled "An act to provide for the appointment of a Railroad Commission, etc.," so as to give said Commission the power to recommend what safety appliances and regulations should be adopted at grade crossings of public roads and streets, except in cities of the first and second classes, by railroads, street railways, electric railways or other common carriers where such grade crossings already exist or may hereafter be constructed without the recommendation of said Commission, or without any order of Court, prescribing what safety appliances and regulations should be maintained.

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the part of section 14 of the act approved May 31st, 1907, entitled "An act to provide for the appointment of a Railroad Commission, etc.," which reads as follows: "The Commission shall have power to recommend the manner, under existing laws, in which one railroad, street railway, electric railway, or other common carrier may cross another railroad, street railway or electric railway, at grade, or above or below grade, and what safety appliances and regulations should be adopted at such crossings, or at existing grade crossings of railroads, street railways, electric railways, or other common carriers, with other railroads, street railways, and electric railways, for the protection of the public and the prevention of accidents," be and the same is hereby amended to read as follows:

The Commission shall have power to recommend the manner, under existing laws, in which one railroad, street railway, electric railway, or other common carrier, may cross another railroad, street railway or electric railway at grade, or above or below grade, and what safety appliances and regulations should be adopted for the protection of the public and the prevention of accidents at such crossings, or at grade crossings now existing, or that may hereafter be constructed without the recommendation of the Commission, or the order of a Court prescribing such appliances and regulations, of railroads, street railways, electric railways, or other common carriers, with other railroads, street railways and electric railways, and with public roads and streets, except in cities of the first and second classes.

APPENDIX "J."

**A Detailed Statement of the Travelling Expenses and Disbursements of the Commissioners, their Clerks,
Marshal and Experts.**

A STATEMENT OF THE TRAVELING EXPENSES AND DISBURSEMENTS OF THE COMMISSIONERS, THEIR CLERKS, MARSHAL AND EXPERTS.

Telegrams,	78 52
Postal Service,	417 60
Express and freight,	37 32
Books, maps and office supplies,	591 56
Janitors service,	280 00
Traveling expenses, Commissioners, Clerks, Marshal and Experts,	1,618 95
Expert services,	600 00
Extra clerical services,	856 22
Miscellaneous,	1 00
Salaries of employes, other than those fixed by law,	7,511 27
<hr/>	
Total,	\$11,992 44



APPENDIX "K."

**Rules of Practice before the Pennsylvania State Railroad
Commission.**

RULES OF PRACTICE
BEFORE THE
PENNSYLVANIA STATE RAILROAD COMMISSION
ADOPTED AND PRESCRIBED BY THE COMMISSION.

Rule 1.

GENERAL SESSIONS.—The office of the Board shall be in the Capitol Building in the City of Harrisburg, and said office shall always be open during business hours, legal holidays and non-judicial days excepted.

The regular sessions of the commission shall be held on the first Tuesday of each month, except the months of August and September, and except when such meeting days fall on a legal holiday, when it shall be held on the next day thereafter, at its office in the Capitol Building at Harrisburg.

Rule 2.

COMPLAINTS.—No particular form of complaint is required. The name of the corporation complained against must be stated in full and the full name and post-office address of the complainant, with the full name and address of his attorney or counsel, if any, must be given. The act or omission complained of together with the facts and conditions generally relating thereto must be stated with precision, and if such act or omission is claimed to be a violation of any statute, attention should be called to the section of the statute relied upon. Complaints need not be verified. Three copies for each party to the record of every formal pleading shall be filed with the original for the use of the Commission and the adverse party if desired. All papers filed shall be written on one side of the sheet only.

Rule 3.

SATISFACTION OF COMPLAINT AND ANSWER, UNDER SECTION 8 OF THE RAILROAD COMMISSION LAW.—The person or corporation complained against shall make satisfaction in the manner provided by law and notify the Commission thereof, or make answer to the same within fifteen days from the date of notification thereof by the Commission.

Rule 4.

HEARINGS UPON ANSWER TO COMPLAINTS UNDER SECTION 8 OF THE RAILROAD COMMISSION LAW.—After the filing of an answer to the complaint as provided in Rule 3, a time and place for hearing upon the issue may be appointed, notice of which will be served upon all parties and the proceedings thereafter will be as the Commission shall from time to time direct.

Rule 5.

OTHER COMPLAINTS.—Complaints which in the opinion of the Commission are not of such nature as to permit of their satisfaction under the provisions of Section 8 of the Railroad Commission Law may be investigated by it in such manner as it deems proper without notice to the person or corporation complained against. A copy of the complaint and of the report, if any, upon the *ex parte* investigation may be served by mail upon the party or corporation complained against, who shall be requested to make answer to the same within fifteen days.

Upon receipt of such answer a time and place may be appointed for a hearing upon the complaint and answer, notice of which will be served by mail on all parties and the proceedings thereafter will be as the Commission shall from time to time direct.

Rule 6.

ANSWERS.—An answer must specifically admit or deny the material allegations of the complaint. If any or all of the allegations of the complaint are denied, the answer must set forth the facts as claimed to be by the party answering.

Rule 7.

NOTICE IN NATURE OF DEMURRER.—A person or corporation complained against, who deems the complaint insufficient to show a breach of legal duty may, instead of answering or formally demurring, serve on the complainant and the Commission notice of its claim of such insufficiency, and in such case the facts stated in the complaint will be deemed admitted. Upon receiving such notice the complainant shall make such reply thereto as he may desire, and serve copy thereof on the respondent and file a copy with the Commission, and thereupon the Commission will determine the legality of the complaint and notify the parties of such decision and whether any other action is deemed proper or necessary.

Rule 8.

AMENDMENTS.—Amendments to any complaint, petition, answer, or other paper filed in any proceeding or investigation, may be allowed by the Commission in its discretion.

Rule 9.

ADJOURNMENTS AND EXTENSIONS OF TIME.—Adjournments and extensions of time may be granted upon the application of any party in the discretion of the Commission. Applications for extension of time of hearing shall be accompanied by an affidavit showing a necessity therefor.

Rule 10.

STIPULATIONS.—The parties to any proceeding or investigation before the Commission, may, by stipulation in writing filed with the secretary, agree upon the facts or any portion thereof involved in the controversy, which stipulation shall be regarded and used as evidence on the hearing. It is desirable that the facts be thus agreed upon whenever practicable.

Rule 11.

PRACTICE ON HEARINGS.—The complainant must in all cases establish the facts alleged to constitute a violation of the law, unless the defendant admits the same or fails to answer the complaint. The defendant must also give evidence of the facts alleged in the answer, unless admitted by the complainant, and must fully disclose its defense at the hearing. Witnesses may be examined orally before the Commission unless the facts be stipulated. In case of failure to answer, the Commission will take such proof of the facts as may be deemed proper and reasonable and make such order thereon as the circumstances of the case appear to require.

Rule 12.

DOCUMENTARY EVIDENCE.—Where relevant and material matter offered in evidence is embraced in a written or printed statement, book, or document of any kind containing other matter not material or relevant and not intended to be put in evidence, such statement, book, or document in whole shall not be received or allowed to be filed, but counsel or other party offering the same shall present in convenient and proper form for filing, a copy of such material and relevant matter, and that only shall be received and allowed to be filed as evidence and made a part of the record; provided, however, if practicable, such matter may be read and taken down by the stenographer as a part of the record. If the correctness of such copy is questioned the same shall be verified by an examination of the original in such manner as the Commission may direct.

Rule 13.

COMMISSIONS TO TAKE TESTIMONY.—The testimony of any witness may be taken by deposition, at the instance of a party, in any proceedings or investigation before the Commission, and at any time after the same is at issue. The Commission may order testimony to be taken by deposition, in any proceeding or investigation pending before it, at any stage of such proceeding or investigation. Such deposition may be taken before any judge of any court of the United States, or any commissioner of a circuit, or any clerk of a district or circuit court, or any justice or judge of a supreme or superior court, judge of a court of common pleas of any of the United States, or any notary public, not being of counsel or attorney to either of the parties, or otherwise interested in the proceeding or investigation. The same notice of taking deposition that is required by the Pennsylvania Equity rules in taking depositions in civil cases must be given in writing by the party or his attorney proposing to take such deposition to the opposite party or his attorney of record, which notice shall state the name of the witness and the time and place of the taking of his deposition, and like notice shall be given the secretary.

Every person whose deposition is taken shall be sworn (or may affirm) to testify the whole truth, and shall be carefully examined. His testimony shall be reduced to writing, which may be typewriting, by the magistrate taking the deposition, or under his direction, and shall, after it has been reduced to writing, be subscribed by the witness.

Rule 14.

BRIEFS.—Upon all contested hearings, unless otherwise specially ordered, printed briefs containing legal arguments and citations of cases relied upon

shall be filed on behalf of the parties. They shall contain an abstract of the evidence relied upon by the party filing the same, and in such abstract reference shall be made to the pages of the minutes where the evidence appears. The abstract of the evidence shall follow the statement of the case and precede the argument. Briefs shall be filed with the Commission and served upon the adverse party or parties by the complainant within fifteen days after the taking of testimony has been concluded, and by the other party or parties within ten days thereafter, and the complainant shall have five days additional time for reply. Different times may be specially ordered in any case. Ten copies of each brief shall be filed for the use of the Commission, with the secretary, and shall be accompanied by an affidavit showing service upon the adverse party. Three copies shall, in each case, be served upon the adverse party. Briefs and other papers shall be printed and shall be ten inches long and seven inches wide, with the printed page seven inches long and three and one-half inches wide, except in special cases, when, in the opinion of the Commission printing is impracticable, upon special order they may be typewritten.

Rule 15.

FINANCIAL CONDITION. TERM AS USED IN THESE RULES DEFINED.

—Whenever a party is required to set forth or disclose its financial condition, such financial condition shall be given, so far as practicable, in appropriate schedules annexed to and referred to and properly designated in the petition. Such schedules shall show the following: (1) Amount and kinds of stock authorized; (2) amount and kinds of stock issued; (3) terms of preference of all preferred stock; (4) brief description of each mortgage upon property of the party, giving date of execution, name of trustee, amount of indebtedness authorized to be secured thereby and amount of indebtedness actually secured; (5) number and amount of bonds authorized and issued, describing each class separately, giving date of issue, par value, rate of interest, date of maturity and how secured; (6) other indebtedness, giving same by classes and describing security, if any; (7) amount of interest paid during previous fiscal year and rate thereof, if different rates were paid amount paid at each rate; (8) amount of dividends paid during previous fiscal year and rate thereof; (9) detailed statement of earnings and expenditures for, and balance sheet showing condition at close of, last fiscal year.

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